



# LAND DEVELOPMENT REGULATIONS of 2015

City of Galveston, Texas

Updated April 2018

*Please Note: As Ordinances are adopted by City Council portions of these regulations may be amended or omitted. It is the responsibility of the book user to obtain the most current information regarding the Land Development Regulations from the Department of Development Services.*



**Department of Development Services**

**Acknowledgments**

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## **PREFACE**

These Standards are a codification of the zoning ordinances of the City of Galveston, Texas, of a general and permanent nature. As expressed in the adopting Ordinance, these Standards supersede all such ordinances not included therein or recognized as continuing in force by reference thereto.

## **AMENDMENTS**

Initial Adoption; March 5, 2015; Ord. 15-019

Article 3, R-1 Addendum; May, 14, 2015; Ord. 15-029

Article 2, Table 2.201 and Section 2.330; May 28, 2015; Ord. 15-031

Article 2, Section 2.402; May 28, 2015; Ord. 15-032

Article 11; June 25, 2015; Ord. 15-049

Article 2, Section 2.341; June 25, 2015; Ord. 15-050

Article 3, Commercial Addendum; November 19, 2015; Ord. 15-082

Article 3, R-1 Addendum; April 28, 2016; Ord. 16-030

Article 3, Commercial Addendum; May 26, 2016; Ord. 16-037

Article 11, Section 11.102; June 23, 2016; Ord. 16-045

Article 5, September 22, 2016; Ord. 16-070

Article 3, Urban Neighborhood Addendum; October 13, 2016; Ord. 16-071

Article 2, Table 2.201 and Section 2.358; February 23, 2017; Ord. 17-013

Article 3, Commercial Addendum; February 23, 2017; Ord. 17-014

Article 2, Table 2.201 and Section 2.358; March 23, 2017; Ord. 17-022

Article 2, Table 2.201 and Division 2.300; April 26, 2018; Ord. 18-024

Article 5, Section 5.109; April 26, 2018; Ord. 18-025

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# ARTICLE 1. JURISDICTION AND ZONING DISTRICTS

## Division 1.100 Title; Authority; Purposes; Jurisdiction; Construction

### SEC. 1.101 TITLE

The Land Development Regulations of the City of Galveston, Texas (the City) shall be known and may be cited as “these regulations”.

### SEC. 1.102 AUTHORITY

These regulations are adopted pursuant to the authority contained in the U.S. Constitution, the Texas Constitution, the laws of the State of Texas, and the City Charter of the City and in accordance with the *City of Galveston 2011 Comprehensive Plan*.

### SEC. 1.103 PURPOSES

- A. **General Purposes.** These regulations provide guidance and standards for the orderly development and redevelopment of land and associated public infrastructure, facilities, and amenities in accordance with the *City of Galveston 2011 Comprehensive Plan* and other adopted plans and policies. Other general purposes include:
1. Promoting the public health, safety, morals, or general welfare;
  2. Promoting the safe, orderly, and healthy development of the municipality; and
  3. Specifically with regard to the zoning regulations herein:
    - a. Lessen congestion in the streets;
    - b. Secure from fire, panic, and other dangers;
    - c. Provide adequate light and air;
    - d. Prevent terrestrial overcrowding;
    - e. Avoid undue concentration of population; and
    - f. Facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements
- B. **Promotion of the City.** These regulations aim to promote the quality of life of its residents by:
1. Ensuring a predictable and efficient development, review, and approval process;
  2. Maintaining and stabilizing the value of property;
  3. Encouraging the most appropriate uses of land and minimizing conflicts among adjacent and nearby land uses including the protection and enjoyment of public beaches and other natural assets;
  4. Providing for commercial and industrial investment and expansion to promote the City’s ongoing economic development;
  5. Promoting decent, affordable housing;
  6. Protecting and preserving places and areas of historical, cultural, or architectural importance and significance;

7. Enhancing circulation within the community, including opportunities for and the safety of biking and walking; and
8. Promoting the City's positive image and esthetics.

C. **Specific Purposes.** Specific purposes of these regulations are set out in individual articles and in some divisions.

#### **SEC. 1.104 JURISDICTION**

These regulations apply within the municipal boundaries of the City. Where authorized by state law, certain provisions shall apply to land located within the City's Extraterritorial Jurisdiction (ETJ).

#### **SEC. 1.105 APPLICATION TO GOVERNMENTAL UNITS**

To the extent allowed by law these regulations shall apply to all land, buildings, structures, and uses owned by government agencies, including city, county, state, and federal lands within the corporate limits of the City and its ETJ.

#### **SEC. 1.106 CONSTRUCTION**

- A. These regulations establish minimum requirements for land development activities in the City and its ETJ, and its terms shall be liberally construed to give full effect to the purposes and goals of these regulations and the *City of Galveston 2011 Comprehensive Plan*.
- B. Pictures and graphic illustrations are included throughout these regulations to assist users in understanding and applying the terms. In the event of any inconsistency or conflict between the text and the picture or graphic illustration, the text shall control.

### **Division 1.200 Establishment of Zoning Districts; Official Zoning Map**

#### **SEC. 1.201 ZONING DISTRICTS**

- A. **General.** The city is divided into districts and the boundaries of the zoning districts set out in this Section are as shown on the Official Zoning Map of the City of Galveston (the Map).
- B. **Districts.** The following zoning districts are established:
  1. Residential, Single Family (R-0)
  2. Residential, Single Family (R-1)
  3. Residential, General Duplex - Eightplex (R-2)
  4. Multifamily (MF)
  5. Urban Neighborhood (UN)
  6. Historic Zoning District (HZD)
  7. Traditional Neighborhood (TN)
  8. Commercial-Mixed Use (C)
  9. Central Business (CB)
  10. Resort/Recreation (RES/REC)
  11. Industrial, Light (LI)
  12. Industrial, Heavy (HI)

13. Planned Unit Development	(PUD) <i>Overlay</i>
14. Historic	(H) <i>Overlay</i>
15. Neighborhood Conservation District	(NCD) <i>Overlay</i>
16. Height and Density Development Zone	(HDDZ) <i>Overlay</i>

## SEC. 1.202 OFFICIAL ZONING MAP

- A. **General.** The locations and boundaries of the zoning districts that are established by these regulations are shown on the digital map entitled *Official Zoning Map of the City of Galveston*, (the Map) which is made part of these regulations.
- B. **References and Notations.** All notations, references, and other information shown on the Map are a part of these regulations and have the same force and effect.
- C. **Primacy of the Map.** The digital file of the Map is maintained by the Technology Services Division whom shall assume control in the event of a conflict between the Map that is on file and any other reproduction of said Map.
- D. **Zoning Map Amendments.** The reclassification of property to a new zoning district or classification shall be considered an amendment to the Map in accordance with Section 13.203.A, Rezoning and Section 13.601, Procedures for Map Amendments and shall be recorded as such.

## SEC. 1.203 INTERPRETING THE OFFICIAL ZONING MAP

The following rules shall be used to determine the precise location of any zoning district boundary line shown on the Map:

- A. **Property Lines.** Boundary lines shown as following or approximately following platted lot lines, other property lines, or city limit lines shall be construed as following such lines.
- B. **Right-of-Ways.** Boundary lines shown as following or approximately following highways, streets, alleys, railroad tracks, or utility lines shall be construed as following the centerline of the right-of-way. Where any of these physical features on the ground differ from the representation of such features on the Map, the physical features on the ground control.
- C. **Shore Lines and Water Features.** Boundary lines shown as following or approximately following shorelines, the centerline of streams, canals, or other watercourses or the centerline of lakes, bays, or other bodies of water shall be construed as following the shoreline, the channel, or the centerline of water bodies. In the event of a natural change in the location of such shorelines, watercourses, or water bodies, the zoning district boundary shall be construed as moving with the shorelines or the channel or water body centerline.
- D. **Parallel to Features.** Boundary lines shown as separated from and parallel or approximately parallel to any of the features listed in subsections 1.203.A through 1.203.C above shall be construed to be parallel to such features and at such distances as are shown on the Map. The same shall apply for boundaries shown as extensions of any of the features listed in subsections 1.203.A through 1.203.C above.

- E. **Un-subdivided Land or No Identifiable Feature.** On un-subdivided land or when a district boundary follows no identifiable feature the location of district boundaries shall be determined by applying the following rules in order until the boundaries are known:
1. First, by reference to the legal description in the ordinance establishing the district boundaries;
  2. Second, by referring to dimensions shown on the Map; and
  3. Third, by using the scale appearing on the Map.

#### **SEC. 1.204 TEMPORARY ZONING OF ANNEXED TERRITORY**

- A. **Temporary Classification.** All territory hereafter annexed to the City shall be temporarily classified as Single-Family Residential (R-1) until other zoning is established by the City Council, as appropriate, through the usual procedure for amending the Map.
- B. **Required Approvals.** In an area temporarily classified as Single-Family Residential (R-1) district:
1. No person shall erect, construct, or add to any building or structure or cause the same to be done in any newly annexed territory to the City without first applying for and obtaining a building permit or certificate of occupancy from the Building Official or the City Council as required herein.
  2. The Building Official shall issue permits allowing for the construction of a building in the Single-Family Residential (R-1) district unless and until such territory has been classified in a zoning district other than the Single-Family Residential (R-1) district by the City Council as provided in this Section.

### **Division 1.300 Zoning District Purposes**

#### **SEC. 1.301 RESIDENTIAL, SINGLE-FAMILY (R-0)**

The R-0 district is intended to provide for single-family detached dwellings.

#### **SEC. 1.302 RESIDENTIAL, SINGLE-FAMILY (R-1)**

The R-1 district is intended to provide for single-family detached dwellings with complementary civic, recreational, and institutional uses.

#### **SEC. 1.303 RESIDENTIAL– DUPLEX - EIGHTPLEX (R-2)**

The R-2 district provides for attached forms of single-family dwellings such as two-family dwellings (also known as duplexes) and townhomes, up to a maximum of eight units.

#### **SEC. 1.304 MULTI-FAMILY DISTRICT (MF)**

The MF district is intended to provide for multifamily housing developments representing a variety of housing options including rental apartments, condominiums, and a range of institutional and residential uses.

#### **SEC. 1.305 URBAN NEIGHBORHOOD – NEIGHBORHOOD COMMERCIAL DISTRICT (UN)**

The UN district is intended to accommodate the range and pattern of residential uses found in the City's oldest, established Urban Core neighborhoods together with limited nonresidential uses,



such as corner stores, that benefit nearby residents in a neighborhood setting conducive to walking and biking as much as vehicular circulation.

#### **SEC. 1.306 HISTORIC ZONING DISTRICT (HZD)**

The HZD district is intended to preserve the residential uses found in the City's historic districts.

#### **SEC. 1.307 TRADITIONAL NEIGHBORHOOD DISTRICT (TN)**

The TN district is intended to promote development that reflects the layout and planning principles of traditional neighborhoods and the historic residential sections of the City.

#### **SEC. 1.308 COMMERCIAL-MIXED USE DISTRICT (C)**

The C district is intended to accommodate a wide range of retail, service, and office uses while also providing for a variety of housing options.

#### **SEC. 1.309 CENTRAL BUSINESS DISTRICT (CB)**

The CB district encompasses much of the City's historic downtown area and is intended to provide for the intensive, mixed-use development pattern found in urban central business districts. Within this district, a Special Character District is established between 21<sup>st</sup> Street and 23<sup>rd</sup> Street, and approximately 160 feet north and south of the centerline of the Postoffice Street right-of-way.

#### **SEC. 1.310 RESORT/RECREATION DISTRICT (RES/REC)**

The RES/REC district is intended to provide a variety of housing options and tourist oriented developments for residents and tourists.

#### **SEC. 1.311 INDUSTRIAL-LIGHT DISTRICT (LI)**

The LI district is intended to accommodate a variety of manufacturing uses such as processing, assembling, warehousing, research, and development that have fewer offsite impacts such as noise, air pollution, and vibrations on adjoining properties.

#### **SEC. 1.312 INDUSTRIAL-HEAVY DISTRICT (HI)**

The HI district is intended to accommodate intense industrial uses plus certain other activities that require careful location to limit risks to public health and safety.

#### **SEC. 1.313 PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT (PUD)**

The PUD is a floating zoning district intended to create a mixture of uses, density, and infrastructure standards.

#### **SEC. 1.314 HISTORIC OVERLAY DISTRICT (H)**

The H overlay district encompasses locally-designated Galveston Historic Districts and properties designated as Galveston Landmarks (GL).

#### **SEC. 1.315 NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT (NCD)**

The NCD overlay district is intended to identify property to which additional standards are applied to preserve unique and distinctive neighborhoods in the City.

### **SEC. 1.316 HEIGHT AND DENSITY DEVELOPMENT ZONE OVERLAY DISTRICT (HDDZ)**

The HDDZ overlay district is intended to identify key areas of the City located in and subject to additional site development and design standards.

# ARTICLE 2. USES AND SUPPLEMENTAL STANDARDS

## Division 2.100 Purpose

### SEC. 2.101 PURPOSE

- A. **Permitted Uses.** This Article sets out the uses that are permitted in each zoning district.
- B. **Limited Uses.** This Article identifies other uses that have been determined to be appropriate in one or more zoning districts but only when they comply with certain criteria itemized in these regulations. Applications for Limited Uses are reviewed and approved by the Development Services Director.
- C. **Specific Uses.** This Article establishes a process through which additional standards may be appropriate on a particular site subject to conditions so they are not incompatible with surrounding uses. These additional standards may provide limitations on the intensity of use, land area, site design, and other factors that are appropriate to each class of use. Applications for Specific Uses are approved by the City Council upon recommendation of the Planning Commission.

## Division 2.200 Uses by District

### SEC. 2.201 PERMITTED, RESTRICTED, AND SPECIFIC USES

- A. **Symbols in Uses Table.** The following symbols are used in Table 2.201 to indicate whether a particular use is permitted, limited, permitted by specific use review, or prohibited within each zoning district:
  - 1. **“P”** indicates a Permitted Use where the use is permitted as a matter of right.
  - 2. **“L”** indicates a Limited Use that is subject-to-review by the Development Services Director for compliance.
  - 3. **“S”** indicates a Specific Use that is allowed only upon the granting of a specific use permit as provided in Section 13.203, Specific Use Permit. The Planning Commission and then the City Council review specific use permit applications.
  - 4. **“-”** indicates a prohibited use.

Within the HZD, the uses identified as Permitted (P) or Limited (L) in the Commercial Land Uses section of the following Table are applicable to corner store locations identified in Article 3, HZD zone.

Table 2.201													
Permitted Uses: Agricultural and Residential Uses													
P = permitted use; L = limited use; S = specific use review; "-" = prohibited use													
Zoning Districts													
Agricultural Land Use	R-0	R-1	R-2	MF	UN	HZD	TN	C	CB	RES/ REC	LI	HI	Use Standard
Agricultural Support	-	-	-	-	-	-	-	-	-	-	L	L	
Agriculture/Urban Farming	-	-	-	P	P	-	P	P	P	P	P	P	
Commercial Stable	-	-	-	-	-	-	-	-	-	-	P	P	
Residential Stable	-	-	L	L	-	-	P	-	-	P	-	-	LIMITED
Nursery or Greenhouse, Wholesale	-	-	-	-	-	-	-	-	-	-	L	L	LIMITED
Veterinarian, Large Animal	-	-	-	-	-	-	-	-	-	-	P	P	
Residential Land Uses	R-0	R-1	R-2	MF	UN	HZD	TN	C	CB	RES/ REC	LI	HI	Use Standard
Accessory Dwelling Unit	-	P	L	L	L	L	L	L	-	-	-	-	LIMITED
Bed and Breakfast	-	-	-	L	L	L	P	P	P	L	-	-	LIMITED
Boarding House, Dormitory, Fraternity or Sorority	-	-	-	P	L	-	P	P	P	P	P	-	LIMITED
Child Care Facility, Residential (Day Care)	-	-	L	P	L	L	L	P	P	P	-	-	LIMITED
Community Garden	-	-	L	L	L	L	L	P	L	P	P	P	LIMITED
Cottage Food Production	P	P	P	P	P	P	P	P	P	P	P	P	State Law
Home Based Occupation/Business	-	-	-	P	L	-	P	P	P	P	P	P	LIMITED
Home Based Occupation	L	P	P	P	P	L	P	P	P	P	P	P	
Hospital House Establishment	-	-	-	L	L	-	P	P	P	P	P	-	LIMITED
Live-Work Unit	-	-	-	P	L	-	P	P	P	P	P	P	LIMITED
Manufactured Housing Development	-	-	-	S	-	-	-	-	-	S	S	-	SUP

Residential Land Uses	R-0	R-1	R-2	MF	UN	HZD	TN	C	CB	RES/ REC	LI	HI	Use Standard
Multi-Family Residential	-	-	L	P	L	-	P	P	L	P	-	-	LIMITED
Personal Care Homes (DADS)	P	P	P	P	P	P	P	P	P	P	P	P	State Law
Short Term Rental Residential Dwelling	-	P	P	P	P	L	P	P	P	P	P	P	
Single-Family Attached	-	-	-	P	L	L	P	P	L	P	-	-	LIMITED
Single-Family Detached	P	P	P	P	P	P	P	P	L	P	-	-	LIMITED

Table 2.201 Permitted Uses: Commercial Uses													
P = permitted use; L = limited use; S = specific use review; "-" = prohibited use													
Zoning Districts													
Commercial Land Uses	R-0	R-1	R-2	MF	UN	HZD	TN	C	CB	RES/ REC	LI	HI	Use Standard
Adult Day Care	-	-	-	P	L	-	P	P	P	P	P	-	LIMITED
Adult Use (SOB)	-	-	-	-	-	-	-	S	-	-	S	S	SUP
Alcoholic Beverage Sales, Liquor Store or Package	-	-	-	P	S	-	P	P	P	P	P	P	SUP
Arena / Stadium	-	-	-	-	-	-	-	P	P	P	P	P	
Auto Service/Fueling or Charging Station	-	-	-	-	-	-	P	L	L	L	L	P	LIMITED
Bar	-	-	-	-	S	-	P	P	L	P	P	P	LIMITED/ SUP
Child Care Facility, Day Care (Commercial)	-	-	-	P	L	-	P	P	P	P	-	-	LIMITED
Cleaning / laundry pick-up station	-	-	-	P	L	P	P	P	P	P	P	P	LIMITED
Cleaning / laundry-mat self service	-	-	-	P	L	-	P	P	P	P	P	P	LIMITED
College / University / Vo-Tech	-	-	-	P	P	-	P	P	P	P	P	P	
Commercial Amusement/Recreation Indoor	-	-	-	-	L	-	L	L	L	L	-	-	LIMITED

Commercial Land Uses	R-0	R-1	R-2	MF	UN	HZD	TN	C	CB	RES/ REC	LI	HI	Use Standard
Commercial Amusement/Recreation Outdoor	-	-	-	-	-	-	L	L	L	L	P	P	LIMITED
Commercial Lodging (Hotel)	-	-	-	-	S	-	L	L	P	L	L	P	SUP
Correctional or Rehabilitation Facility	-	-	-	-	-	-	-	S	-	-	S	S	SUP
Credit Access Business	-	-	-	-	-	-	-	L	-	-	-	-	
Flea Market	-	-	-	-	-	-	-	L	L	L	L	L	LIMITED
Gun Shop	-	-	-	-	-	-	-	L	L	L	L	L	LIMITED
Heavy Vehicle, Manufactured Home, Watercraft or Aircraft Sales or Rental	-	-	-	-	-	-	-	-	-	L	L	L	LIMITED
Homeless Shelter	-	-	-	-	-	-	-	S	S	S	P	P	SUP
Hospital	-	-	-	-	-	-	P	P	P	P	P	-	
Kennel	-	-	-	-	-	-	-	L	-	L	L	P	LIMITED
Library	-	-	P	P	P	-	P	P	P	P	P	P	
Medical Office / Clinic / Lab	-	-	-	P	L	-	P	P	P	P	P	-	LIMITED
Music Instruction	P	P	P	P	P	P	P	P	P	P	P	P	
Nursery or Greenhouse, Retail	-	-	-	-	-	P	-	P	P	P	P	P	
Nursery Wholesale	-	-	-	-	-	-	-	L	-	-	P	P	LIMITED
Nursing / Convalescent Home	-	-	S	L	L	-	P	P	P	P	P	P	LIMITED/SUP
Office	-	-	-	-	L	-	L	P	L	L	L	L	LIMITED
Parking Lot, Commercial Surface Parking Area	-	-	-	-	-	-	-	-	-	-	L	L	LIMITED
Parking Structure or Lot Incidental to Main Use	-	-	-	P	L	-	P	L	P	L	P	P	LIMITED
Parking Structure – Mixed Use	-	-	-	L	L	-	L	L	L	L	L	-	LIMITED

Commercial Land Uses	R-0	R-1	R-2	MF	UN	HZD	TN	C	CB	RES/ REC	LI	HI	Use Standard
Passenger Motor Vehicle Sales or Rental	-	-	-	-	-	-	-	L	L	-	P	P	LIMITED
Pawn Shop	-	-	-	-	-	-	-	P	P	-	P	-	
Personal Fitness	-	-	-	L	L	P	L	P	P	P	P	-	LIMITED
Pet Grooming Services	-	-	-	-	L	P	P	P	P	P	-	-	LIMITED
Place of Private Assembly	-	-	-	S	S	L	P	P	P	P	P	P	SUP
Place of Public Assembly	-	-	L	L	L	P	P	P	P	P	P	P	LIMITED
Private Club	-	-	-	S	S	-	P	P	P	P	P	-	SUP
Professional Services, Instruction/Counseling	-	-	-	L	L	P	P	P	P	P	P	P	LIMITED
Public Safety Facility	-	-	-	P	P	-	P	P	P	P	P	P	
Recreation Indoor	-	-	L	L	L	-	P	P	P	P	P	P	LIMITED
Recreation Outdoor	-	-	L	L	L	L	P	P	P	P	P	P	LIMITED
Recycling Center	-	-	-	L	L	-	L	L	-	L	P	P	LIMITED
Restaurant, Drive-In / Through	-	-	-	-	-	-	-	L	-	P	P	P	LIMITED
Restaurant, No Drive-In / Through	-	-	-	L	L	P	P	P	P	P	P	P	LIMITED
Retail - Big Box	-	-	-	-	-	-	L	L	-	L	L	L	LIMITED
Retail - Commercial	-	-	-	-	P	P	P	P	P	P	P	P	
RV Park	-	-	-	-	-	-	-	L	-	L	-	-	LIMITED
School: Private	-	-	L	L	L	L	P	P	P	P	-	-	LIMITED
Self Storage	-	-	-	L	-	-	-	P	L	-	P	P	LIMITED
Short Term Rental Residential Dwelling	-	P	P	P	P	L	P	P	P	P	-	-	
Substance Abuse Facility	-	-	-	-	-	-	-	S	S	-	-	-	SUP
Vehicle Wash	-	-	-	-	-	-	P	P	P	P	P	P	
Vending Kiosk/ATM	-	-	-	L	L	-	L	L	L	L	P	P	LIMITED
Veterinarian, Small Animal	-	-	-	-	-	-	P	P	P	P	P	P	
Wholesale	-	-	-	-	-	-	-	L	L	P	P	P	LIMITED

Table 2.201													
Permitted Uses: Industrial, Public/Private Uses													
P = permitted use; L = limited use; S = specific use review; "-" = prohibited use													
Zoning Districts													
Industrial Land Use	R-0	R-1	R-2	MF	UN	HZD	TN	C	CB	RES/ REC	LI	HI	Use Standard
Automotive Wrecking and Salvage Yard; Junkyard; Recycling Business	-	-	-	-	-	-	-	-	-	-	P	P	
Heavy Industry	-	-	-	-	-	-	-	-	-	-	-	L	LIMITED
Light Industry	-	-	-	-	-	L	-	-	-	-	L	L	LIMITED
Mining / Extraction	-	-	-	-	-	-	-	-	-	-	P	P	
Research and Testing Laboratory	-	-	-	-	-	-	-	P	P	P	P	P	
Parking and/or Multimodal Transportation Facility	-	-	-	-	-	-	-	P	P	P	P	P	
Power Generation	-	-	-	-	-	-	-	-	-	-	P	P	
Public Utility Facility, Neighborhood	-	-	P	P	P	-	P	P	P	P	P	P	
Towing Service Facility	-	-	-	-	-	-	-	S	-	-	L	L	LIMITED/SUP
Uses involving Radioactive Material, not including uses related to diagnosis and treatment of illness; and, construction applications; and, academia and scientific research	-	-	-	-	-	-	-	-	-	-	-	S	
Public/Private Land Uses	R-0	R-1	R-2	MF	UN	HZD	TN	C	CB	RES/ REC	LI	HI	Use Standard
Airport	-	-	-	-	-	-	-	-	-	-	P	-	
Cemetery	-	-	S	S	S	-	S	S	S	S	S	S	SUP
Heliport	-	-	-	-	-	-	-	-	-	-	-	P	LIMITED
Helistop	-	-	-	-	-	-	-	L	-	L	L	P	LIMITED
Marina	-	-	S	S	-	-	P	P	P	P	P	P	SUP
Public Utility Plant	-	-	S	S	S	-	-	P	P	P	P	P	SUP
Rail Yard	-	-	-	-	-	-	-	-	-	-	P	P	
Port and Harbor Facilities	-	-	-	-	-	-	-	-	-	P	P	P	



Wireless Telecommunication Facility	-	-	S	S	S	S	S	S	S	S	S	P	SUP
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## SEC. 2.202 PROHIBITED USES IN ALL ZONING DISTRICTS

### A. Specific Prohibitions.

1. All uses that are prohibited by local ordinance or require the use or sale of materials that are prohibited by local ordinance.
2. Wireless Telecommunication Facilities and Towers between Broadway Boulevard and Harborside Drive, from 27<sup>th</sup> Street to 51<sup>st</sup> Street.
3. All uses that are prohibited by state law or require the use or sale of materials that are prohibited by state law.
4. Intensive agricultures defined by Article 14, Definitions.
5. Uses involving radioactive (nuclear) materials and waste including disposal facilities and decommissioning services require a Specific Use Permit. Land uses related to diagnosis and treatment of illness, construction application, and academic and scientific research are excluded from this provision.

## Division 2.300 Standards for Limited and Specific Uses

Certain uses may be allowed in various zoning districts and subject to certain standards or conditions. This Division contains those standards. Compliance with these standards is in addition to any other applicable standards of these regulations or other applicable City ordinances or regulations.

### SEC. 2.301 APPLICATION OF LIMITED USE STANDARDS

The standards apply to uses that are listed as L (limited) uses in the Permitted Use Table. Where a use is listed as L in one or more zoning districts, the use shall be allowed if it meets all of the standards for the particular use specified in this Division.

### SEC. 2.302 APPLICATION OF SPECIFIC USE STANDARDS

The standards establish minimum requirements for uses that are listed as (specific use) uses in the Permitted Use Table. Where a use is classified as specific use in one or more zoning district, the Planning Commission may recommend and the City Council may adopt additional conditions that would make the use appropriate at the requested location or it may deny the specific use request.

### SEC. 2.303 ACCESSORY DWELLING UNIT (ADU)

#### A. Limited Use Standards.

1. **Principal Structure Required.** An accessory dwelling unit (ADU) is allowed only on a lot with a principal building. A manufactured home, recreational vehicle, travel trailer, or camper shall not be used as an ADU. An ADU shall be of similar construction materials as the principle building.
2. **Extent and Scale of Use.**
  - a. In the R-0, R-1, and HZD Districts, no lot or parcel shall contain more than one ADU. In the R-2 District, no lot or parcel shall contain more than two ADUs.

- b. An ADU shall be subordinate to the principal structure and shall not exceed the total floor area of the principal building.
- 3. **Allowable Employees of Home-Based Business.** Where a principal residential use also involves an accessory “home business” or “cottage industry” use, the occupants of an ADU on the same lot or parcel may be employed by and count toward the number of non-resident employees the home-based business is allowed to have under these regulations.
- 4. **Consistent Design.** Where a principal residential use is expanded to accommodate an integrated or attached ADU, the expansion shall be designed, clad, painted, and roofed in a manner that is comparable to the principal building.

## **SEC. 2.304 ADULT DAY CARE**

### **A. Limited Use Standards.**

- 1. **Hours of Operation.** The use shall not operate between the hours of 10:00 PM and 7:00 AM.
- 2. **Non-Resident Employees.** The use shall not employ more than two persons who do not live on the premises.
- 3. **Combination with Place of Public Assembly.** Adult day care is allowed as a part of a place of public assembly use.

## **SEC. 2.305 AGRICULTURAL SUPPORT**

### **A. Limited Use Standards.**

- 1. **Use Limitation.** Large animal or livestock veterinarian uses permitted.
- 2. **No Vehicle Service.** When the site is located adjacent to a residential use or zoning district, no accessory vehicle service activity shall occur on the site.
- 3. **Truck Access.** The use shall be located such that associated truck traffic can access a collector or arterial roadway without traveling on a public right-of-way adjacent to any residential property, school, or public park, or recreational area or facility.
- 4. **Minimum Setback.**
  - a. Loading and Service Areas: 25 feet from any residential property line or zoning district boundary.
  - b. Outdoor Merchandise Display/Sales and Other Outdoor Storage: 25 feet from any residential property line or zoning district boundary.
  - c. LP/Propane Gas or Ammonia Storage Tanks: 150 feet from any property line.
- 5. **Screening.**
  - a. Residential: When the site is located adjacent to a residential use or residential zoning district boundary, visual screening shall be provided along all common sides and rear property lines. The screening shall consist of a landscaping strip at least four feet in width that provides a year-round visual barrier, and positioned directly adjacent to the adjoining property. A solid masonry or concrete wall or a wood fence having a minimum height of five feet shall be installed immediately behind the landscaping strip.

- b. **Outdoor Storage:** Any outdoor storage areas visible from a public right-of-way shall be enclosed by a solid masonry or concrete wall or a wood fence of sufficient height such that no stored materials or merchandise are visible above the top of the screening wall or fence from a public right-of-way.
- c. **Dust Mitigation:** Appropriate dust suppression measures shall be taken, such as containment or covering, when the outdoor storage involves materials likely to generate wind-blown dust that may affect adjacent properties.

## **SEC.2.306 AUTO SERVICE/FUELING OR CHARGING STATION**

### **A. Limited Use Standards.**

- 1. **Truck Access.** The use shall be located so associated truck traffic can access a collector, arterial, or highway without traveling on a public right-of-way adjacent to any residential property, school, public park, or recreational area or facility.
- 2. **Minimum Distance from Residential.** The use shall be located a minimum of 200 feet from any residential use or residential zoning district boundary, measured as a radius from the property lines of the limited use.
- 4. **Charging Station Near Residential.** The use may not be located within 200 feet of the property line of a residential use or a residential zoning district boundary.
- 5. **Auto Service Orientation of Service Bays.** Vehicle service bays shall be oriented away from any adjacent residential use or residential zoning district boundary.
- 6. **Design of Use near Residential.** The use shall be conducted within a fully enclosed building so as not to be visible from the adjacent residential use or residential zoning district, although activities may be conducted in partially enclosed or open areas elsewhere on the site.
- 7. **Screening.**
  - a. **Residential Screening:** When the site is located adjacent to a residential use or residential zoning district boundary, visual screening shall be provided along all common sides and rear property lines. The screening shall consist of a landscaping strip at least four feet in width that provides a year-round visual barrier and positioned directly adjacent to the adjoining property. A solid masonry or concrete wall or a wood fence having a minimum height of five feet shall be installed immediately behind the landscaping strip.
  - b. **Outdoor Vehicle Service and Storage Areas:** Any outdoor areas used for vehicle service activity or temporary storage of vehicles undergoing service shall be screened so as not to be visible from abutting public street right-of-ways.

## **SEC. 2.307 BAR**

### **A. Limited Use Standards.**

- 1. **Proof of Permitting.** The applicant shall provide proof of application for any permits required by state law at the time of application for limited use approval and shall provide proof of issuance of any required permits before commencing operations.
- 2. **On-Site Security.** The use shall provide on-site security Thursday through Saturday from 9:00 PM through close of business. The security personnel shall be responsible for

directing patrons away from the use and disseminating any on-site gatherings upon the close of business.

3. **Noise Limitation.** All on-site activities and events shall comply with City noise regulations. The use shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.

Additionally, any outdoor speakers shall be oriented toward the interior of the site and away from property lines and shall not be used after 12:00 AM except to provide emergency notifications. No outdoor speakers shall be used when the use is located within 200 feet from an R-0, R-1, R-2, HZD, or UN district boundary measured as a radius from property lines of the limited use, unless separated from the district by an arterial street.

- a. **Limitation on Amplified Sound:** Amplification of music or voices shall not occur after 12:00 AM on Sunday through Thursday or after 1:30 AM on Friday and Saturday.
- b. **Containment of Interior Noise:** All exterior doors for the use shall remain closed after 12:00 AM or during any amplification of music or voices.

- B. **Specific Use Permit in Urban Neighborhood Districts.** The use shall require all regulations of subsection 2.307.A.

- C. **Hours of Operation near Residential Districts.** When located within 200 feet from an R-0, R-1, or R-2 measured as a radius from property lines of the limited use, unless separated from the district by an arterial street, the use shall not operate after 12:00 AM.

## **SEC. 2.308 BED AND BREAKFAST**

### **A. Limited Use Standards**

1. **Concentration of Use.** No more than one Bed and Breakfast use shall be permitted within each block. Additionally, no more than two such uses shall be permitted at an intersection of two or more streets.
2. **Management On-site.** The Bed and Breakfast use must have full-time, on-site management, either owner or employee.
3. **Operation within Principal Structure.** The Bed and Breakfast use shall be operated within one principal structure. If the principal structure is located on a standard city lot or historically platted lot, a secondary structure on the property may be used as additional guest bedrooms or as the living quarters of the resident owner; however, the secondary structure may not be used as the sole Bed and Breakfast establishment.
4. **Number of Guest Rooms.** No more than nine guest bedrooms shall be permitted within a Bed and Breakfast establishment.
5. **Special Events.** Weddings, receptions, luncheons, cocktail parties, group tours, or any other such function for which the owner receives payment for the use of the facility that is not a function for the personal use of the owner, their friends, or relatives is a permitted use.
6. **Signage.** The following signage standards shall apply in residential zoning districts:

- a. Signs are not to exceed 22 inches by 33 inches and may include the name of the establishment, logo, date of establishment, and designation as a Bed and Breakfast establishment.
- b. The signage shall be attached either to the structure, fence surrounding the structure, sign post, or private lamp post.
- c. The overall height of the entire sign, including the signpost, shall not exceed 5 feet.
- d. The signage shall be compatible with the style and detailing of the house.
- e. Illumination of the sign, in any manner, shall be prohibited.
- f. All signage for property located in a historic district shall comply with applicable standards in Article 10, Overlay District Standards, of these regulations.
- g. Excluding historic districts, signs may be permitted in zoning districts as set forth in Article 5. Sign Regulations.

## **SEC. 2.309 BOARDING HOUSE, DORMITORY, FRATERNITY, OR SORORITY**

### **A. Limited Use Standards**

1. **Occupancy.** Buildings shall be designed and furnished such that there are not more than eight residents occupying the assigned living areas per floor, whether the living areas are occupied by one individual or shared.
2. **Corner Location in UN District.** The use shall be located on a corner lot in an UN District.
3. **Internal Access.** Ingress to and egress from all assigned living areas shall be made through the interior of the building rather than from direct outside entrances to each unit.

## **SEC. 2.310 CHILD CARE FACILITY - DAY CARE CENTERS (COMMERCIAL)**

### **A. Limited Use Standards.**

1. **Proof of Licensing.** The applicant shall provide proof of application for any licenses required by the State of Texas at the time of application for limited use approval and shall provide proof of issuance of any required licenses before commencing operations.
2. **A Child Care Facility – Day Care** use is a permitted use on properties with frontage on north-south oriented streets located between Harborside Drive and Seawall Boulevard.
3. **Pick-up/Drop-off.** An off-street pick-up/drop-off area for at least one automobile shall be provided, which may be a driveway provided it is kept free of parked vehicles and other obstructions to leave sufficient space for direct access.
4. **Residential Character.** If operated within a pre-existing residential type structure, the use shall maintain the residential character and appearance of the structure.

## **SEC. 2.311 CHILD-CARE FACILITY, RESIDENTIAL**

### **A. Limited Use Standards**

1. **Proof of Licensing.** The applicant shall provide proof of application for any licenses required by the State of Texas at the time of application for limited use approval and shall provide proof of issuance of any required licenses before commencing operations.
2. **Dwelling Type.** The use shall be located in a single-family detached dwelling unit.

3. **Residential Character.** If operated within a pre-existing dwelling, the use shall maintain the residential character and appearance of the structure.
4. **Extent of Same Use in Area.** No more than one instance of the use shall occur on the same block face or among the all lots on a cul-de-sac.
5. **Resident Operator.** The principal operator and care provider shall live in the dwelling.
6. **Non-Resident Employee.** The use may employ up to one person who does not live in the dwelling unit.
7. **Occupancy Limit.** The use shall provide care for not more than six children on the premises at any one time.
8. **Hours of Operation.** The use shall not operate between the hours of 8:00 PM and 6:00 AM and shall not provide for overnight stays by those receiving care. Additionally no outdoor play activities shall occur before 9:00 AM if the site abuts a residential use.
9. **Signage.** No signage is permitted.

## **SEC. 2.312 CLEANING/LAUNDRY PICK-UP STATION**

### **A. Limited Use Standards.**

1. **Scale of Use.** The floor area of the use shall not exceed 2,500 square feet.
2. **Hours of Operation near Residential.** When abutting or within 200 feet of a residential use or an R-0, R-1, or R-2 zoning district boundary, measured as a radius from property lines of the limited use, the use shall not operate or have any loading or delivery activities between the hours of 10:00 PM and 7:00 AM.

## **SEC. 2.313 CLEANING/LAUNDRY-MAT SELF SERVICE**

### **A. Limited Use Standards.**

1. **Scale of Use.** The floor area of the use shall not exceed 2,500 square feet.
2. **Hours of Operation near Residential.** When abutting or within 200 feet of a residential use or an R-0, R-1, R-2, HZD zoning district boundary, measured as a radius from property lines of the limited use, the use shall not operate between the hours of 10:00 PM and 7:00 AM.
3. **No Nuisance Created.** The use shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.
4. **Design Standards.** The use must comply with the UN zoning district design standards.

## **SEC. 2.314 CLINICS/MEDICAL LAB/MEDICAL OFFICE**

### **A. Limited Use Standards.**

1. **Accessory Laboratory Activity.** Laboratory activity shall occur only as an accessory use to a principal clinic or medical office use.
2. **Scale of Use.** The floor area of the use shall not exceed 2,500 square feet.
3. **Hours of Operation.** The use shall not operate between the hours of 8:00 PM and 8:00 AM, and shall not provide for overnight stays by those receiving care.

4. **Residential Character in UN District.** In the UN district, if operated within a pre-existing dwelling, the use shall maintain the residential character and appearance of the structure.
5. **Design Standards.** In the UN District, the use must comply with urban design standards established in the UN District.

## **SEC. 2.315 COMMERCIAL AMUSEMENT/RECREATION, INDOOR**

### **A. Limited Use Standards.**

1. **Hours of Operation near Residential.** The use, if within 200 feet of the property line of a residential use, a mixed-use development that includes residential use, or a residential zoning district boundary, measured as a radius from property lines of the limited use, shall not operate between the hours of 12:00 AM and 8:00 AM.
2. **Screening.** When the site is located adjacent to a residential use or zoning district boundary, visual screening shall be provided along all common side and rear property lines. The screening shall consist of a landscaping strip at least 4 feet in width that provides a year-round visual barrier, and positioned directly adjacent to the adjoining property. A solid masonry or concrete wall or a wood fence having a minimum height of five feet shall be installed immediately behind the landscaping strip.
3. **No Nuisance Created.** The use shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.

## **SEC. 2.316 COMMERCIAL AMUSEMENT/RECREATION, OUTDOOR**

### **A. Limited Use Standards.**

1. **Use Limitations.** Outdoor shooting ranges for firearms shall not be permitted. Drive-in theaters, golf driving ranges, and go cart tracks shall not be permitted in the CB and UN districts.
2. **Hours of Operation near Residential.** The use, if within 200 feet of the property line of a residential use, of a mixed-use development that includes residential use or a residential zoning district boundary, measured as a radius from property lines of the limited use, shall not operate between the hours of 12:00 AM and 8:00 AM.
3. **Noise Limitation.** All on-site activities and events shall comply with the City's noise regulations. Additionally, any outdoor speakers shall be oriented toward the interior of the site and away from property lines.

## **SEC.2.317 COMMERCIAL LODGING (HOTEL) (ORD. 18-024)**

This Section applies to New Construction or to those properties with proposed improvements that constitute a "substantial improvement," meaning that the reconstruction cost or area of reconstruction is greater than 50 percent of the cost of replacement of the building, the building shall only be reconstructed if in conformity with these regulations.

### **A. Limited Use Standards.**

1. **Location/Areas.** The Limited Use Standards shall apply to "Commercial Lodging (Hotel)" facilities located within the following areas:

- a. Gateway - 59th to Blume Street between Broadway Boulevard and Offat's Bayou/English Bayou;
  - b. Seawall East - Inland side of Seawall Blvd. from Beach Drive to 6th St.;
  - c. Seawall Core A - Inland side of Seawall Blvd. from 6th Street to 45th St.;
  - d. Seawall Core B - Inland side of Seawall Blvd. from 45th Street to 61st St.;
  - e. Seawall West - Inland side of Seawall Blvd. from 61st Street to Cove View Blvd.;
  - f. Seawall West to 11 Mile - The area south of Stewart Road from Cove View Blvd. to 11 Mile Rd.;
  - g. Southside of Seawall Blvd. from 12<sup>th</sup> Street to the Easternmost Point of Galveston Island;
2. **Hotel/Amenities.** "Commercial Lodging (Hotel)" facilities shall provide certain on-site amenities to include; but are not limited to:
- a. A hotel/motel shall contain a guest lounge, breakfast area or cocktail area. The applicable area shall be a minimum of 225 square feet.
  - b. A hotel/motel shall contain a swimming pool and/or fitness center. .
  - c. A hotel/motel shall contain an area for meetings and/or conferences. This area shall be a minimum of 500 square feet.
  - d. A hotel/motel shall contain a business center;
  - e. A hotel/motel may undertake an alternative building development plan which contains building upgrades above these standards for that facility that are comparable in cost to the value of items 2.a. through 2.e..
3. **Design Standards.**
- a. Guest rooms shall be accessible from only an internal hallway that is primarily accessible from a central lobby area contained within the hotel/motel.
  - b. Guest access to ice machines/makers and vending kiosks shall be designed so that primary access is from a hallway that will be internal to the hotel/motel building.
4. **Operational Standards.**
- a. A hotel/motel shall provide a security plan addressing, but not limited to, surveillance, lighting, and on site security for hotel guests and employees.

## **SEC.2.318 COMMUNITY GARDEN**

### **A. Limited Use Standards.**

- 1. Community Gardens shall not be located on park land currently used for active or passive recreation or where there exist immediate plans to develop parkland for active or passive recreation.
- 2. Community Gardens shall not be located on designated or dedicated open space land without approval from the City Council. Exceptions may be granted for open space land



that does not contain sensitive habitat and is not contiguous to open space land with sensitive habitat.

3. Community Gardens shall be located in areas that receive adequate sunlight for the intended purpose without the removal or excessive trimming of trees.

**B. Design Standards**

1. The on-site sale of produce grown on-site is permitted.
2. The site shall be designed and maintained so that water and fertilizer will not drain to adjacent property.
3. A minimum 3 foot wide, clearly marked entrance path shall be provided from the public right-of-way to the garden.
4. Community Gardens shall be located on land that is level enough to support the intended use and meet all Americans with Disabilities Act requirements without the use of retaining walls that exceed 3 feet in height.

**SEC. 2.319 CORRECTIONAL OR REHABILITATION FACILITY**

- A. **Specific Use Standards.** The following minimum standards apply for a correctional or rehabilitation facility. The Planning Commission and the City Council may impose additional conditions to make the use compatible with adjacent development.

1. **Hours of Visitation.** Visits to residents of the facility by non-residents shall not occur between the hours of 10:00 PM and 8:00 AM.
2. **Minimum Distance from Same Use.** The use shall be located at least one-half mile from an existing location of the same use, measured as a radius from property lines of the limited use facility.
3. **Minimum Distance from Residential.**
  - a. From Existing Residential Dwellings: 200 feet from any residential dwelling in existence at the time a specific use permit is approved, measured as a radius from property lines of the limited use facility.
  - b. From Residential Districts: 200 feet from any residential zoning district boundary, measured as a radius from property lines of the facility.
4. **Minimum Distance from Certain Locations.** The use shall be located at least 200 feet from a school or public park, measured as a radius from property lines of the limited use.

**SEC. 2.320 CREDIT ACCESS BUSINESS**

- A. **Limited Use Standards.**

1. **Scale of Use.** The floor area of the use shall be at least 2,500 square feet.
2. **Minimum Distance from Same Use.** The use shall be located at least one-half mile from an existing location of the same use, measured as a radius from property lines of the limited use.
3. **Minimum Distance from Residential District.** The use shall be located at least 200 feet from a residential zoning district boundary, measured as a radius from property lines of the limited use, unless separated from the district by an arterial street.

4. **Minimum Distance from Sexually Oriented Business.** The use shall be located at least one-half mile from a sexually oriented business, measured as a radius from property lines of the limited use.
5. **Proof of Permitting.** For a credit access business, a person must submit an application on a form provided for that purpose to the director of development services. The application must contain the following:
  - a. The name, street address, mailing address, facsimile number, and telephone number of the applicant;
  - b. The business or trade name, street address, mailing address, facsimile number, and telephone number of the credit access business;
  - c. The names, street addresses, mailing addresses, and telephone numbers of all owners of the credit access business, and the nature and extent of each person's interest in the credit access business; and
  - d. A copy of a current, valid state license held by the credit access business pursuant to Chapter 393, Subchapter G of the Texas Finance Code.

## **SEC. 2.321 FLEA MARKET**

### **A. Limited Use Standards.**

1. **Hours of Operation near Residential.**
  - a. Except in the CB district, the use, if within 200 feet of a residential use or a residential zoning district boundary, measured as a radius from property lines of the limited use, shall not operate between the hours of 9:00 PM and 9:00 AM.
  - b. Hours of Operation if Outdoor: The limitation on hours of operation above shall be between the hours of 7:00 AM and 9:00 PM for an outdoor flea market.
2. **Minimum Distance from Same Use.** One-half mile from an existing location of the same use.
3. **Minimum Setback.** All Outdoor Flea Market Operations shall be located at least 50 feet from all property lines.
4. **Noise Limitation.** All Outdoor Flea Market Operations shall comply with the City's noise regulations. Additionally, any outdoor speakers shall be oriented toward the interior of the site and away from property lines.

## **SEC. 2.322 GUN SHOP**

### **A. Limited Use Standards.**

1. **Proof of Permitting.** The applicant shall provide proof of application for any permits required by the State of Texas or the Federal Government at the time of application for limited use approval, and shall provide proof of issuance of any required licenses before commencing operations.
2. **Use Limitation.** Outdoor shooting ranges are prohibited.

3. **Minimum Distance from Certain Locations.** The use shall be located at least 200 feet from a school, public park or place of worship, measured as a radius from property lines of the limited use.
4. **Scale of Use.** In the C, CB, REC/RES districts, a gun shop with an indoor firing range shall be developed on a tractor lot with a minimum area of 20,000 square feet.
5. **Noise Limitation.** Outdoor noise levels shall be maintained at the same noise decibel existing prior to the development of a firing range.

## **SEC. 2.323 HEAVY INDUSTRY**

### **A. Limited Use Standards.**

1. **Truck Access.** The use shall be located such that associated truck traffic can access a collector or arterial roadway or highway without traveling on a public street right-of-way adjacent to any residential property, school, public park, recreational area, or facility.
2. **Minimum Distance from Residential.** The use shall be located at least 200 feet from any residential use or residential zoning district boundary, measured as a radius from property lines of the limited use.
3. **Noise Limitation.** The use shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.
4. **Use Limitation.** LI uses located in the HI district shall meet Heavy Industry Limited Use Standards.
5. **Commercial Composting.** Commercial composting is prohibited.

## **SEC. 2.324 HEAVY VEHICLE, MANUFACTURED HOME SALES, WATERCRAFT, OR AIRCRAFT SALES OR RENTAL**

### **A. Limited Use Standards.**

1. **Hours of Operation near Residential.** When abutting or within 200 feet of a residential use or zoning district boundary, measured as a radius from property lines of the limited use, the use shall not have any outdoor sales or loading or delivery activities between the hours of 10:00 PM and 7:00 AM.
2. **Truck and Trailer Access.** The use shall be located such that associated truck and trailer traffic can access an arterial roadway without traveling on a public right-of-way adjacent to any residential property, school, public park, or recreational area.
3. **Minimum Setback.**
  - a. Outdoor Display or Sales and Other Outdoor Storage: shall be located 25 feet from any residential property line or zoning district boundary.
  - b. Vehicle Wash Facilities: Accessory vehicle wash facilities and their incidental functions, including vacuums and air compressors, shall be set back at least 50 feet from the side or rear property line of any adjacent residential use or residential zoning district boundary.

4. **Orientation of Service Bays.** Any service or repair bays associated with the use shall be oriented away from adjacent, public right-of-way or any adjacent residential use or residential zoning district boundary.
5. **Outdoor Vehicle Display.** Outdoor vehicle display shall occur only on paved areas of the site, and the displayed vehicles shall not occupy or obstruct required parking spaces.
6. **Elevated Vehicle Display.** No more than one outdoor elevated display vehicle shall be permitted, and the elevated display shall raise the vehicle no more than 3 feet off the ground.
7. **Vehicle Visibility.** Booms, derricks, grapple loaders, platforms, and other auxiliary equipment or extensions on heavy vehicles shall be lowered as much as possible. No signs, banners, or flags shall be hung on such auxiliary equipment or extensions.
8. **Noise Limitation.** All outdoor activities shall comply with the City's noise regulations. Additionally, any outdoor speakers shall be oriented toward the interior of the site and away from property lines, and shall not be operated after 9:00 PM except to provide emergency notifications.
9. **Screening.** When the site is located adjacent to a residential use or zoning district boundary, visual screening shall be provided along all common sides and rear property lines. The screening shall consist of a landscaping strip at least 4 feet in width that provides a year-round visual barrier and positioned adjacent to the adjoining property. A solid masonry or concrete wall or a wood fence having a minimum height of 5 feet shall be installed immediately behind the landscaping strip.

## **SEC. 2.325 HELISTOP**

### **A. Limited Use Standards.**

1. **Proof of Permitting.** The applicant shall provide proof of application for any permits required by the State of Texas or the Federal Government at the time of application for limited use approval and shall provide proof of issuance of any required licenses before commencing operations.
2. **Hours of Operation for Commercial Amusement Use.** When helicopter operations are conducted as a commercial amusement, activity shall not occur between the hours of 10:00 PM and 9:00 AM.
3. **Minimum Distance from Same Commercial Amusement Use.** When helicopter operations are conducted as a commercial amusement, the use shall be located at least one-half mile from an existing location of the same use, measured as a radius from property lines of the limited use.
4. **Minimum Distance from Residential.** The use shall be located at least 200 feet from any residential use or residential zoning district boundary, measured as a radius from property lines of the limited use.
5. **Minimum Site Area.** The use shall occur on a site of at least one acre.
6. **Minimum Setback of Fuel Tanks.** Fuel storage tanks shall be located at least 150 feet from any property line.

7. **Screening.** When the site is visible from a residential use or residential zoning district boundary, visual screening shall be provided along all property lines with such visibility. The screening shall consist of a landscaping strip at least four feet in width that provides a year-round visual barrier up to five feet off the ground. A solid masonry or concrete wall or a wood fence having a minimum height of five feet shall be installed immediately behind the landscaping strip.

## **SEC. 2.326 HOME BASED OCCUPATION/BUSINESS**

### **A. Limited Use Standards.**

1. **Use Limitation.** The use is limited to office or service businesses. The use shall not involve vehicle service or repair, a Bed and Breakfast, or any type of Residential Child Care Facility or Day Care Child Care Facility.
2. **Proof of Permitting.** The business shall be operated in accordance with all applicable federal and state law and permitting requirements.
3. **Resident Ownership.** The home business shall be owned and managed by a person who resides in the dwelling unit or ADU.
4. **Non-Resident Employees.** The business may employ up to two persons who do not live in the dwelling unit.
5. **Maximum Floor Area.** The business activity shall not occupy more than 50 percent of the gross floor area of the principal residential building.
6. **Accessory Buildings.** Accessory buildings may be used for business operations or storage if built in a manner that is similar in style and materials to the principal structure.
7. **Maintain Residential Character.** No alteration shall be made to the dwelling to accommodate the home business that changes the dwelling's residential character and appearance.
8. **No Exterior Activity.** All business operations and any storage shall be indoors.
9. **Parking.** Commercial vehicles shall not be parked on the site other than those associated with the business and for the personal use of the owner.
10. **No On-Site Direct Sales.** No retail or wholesale sales activity is permitted except for sales distributors who fill orders for catalog-type products and make deliveries to the customer location, as opposed to customers coming to the place of business.
11. **No Visible Merchandise Display.** No commercial display of merchandise or goods for sale shall be visible from the exterior of the dwelling unit.
12. **Limited Deliveries.** Parcel pickup/delivery services are permitted but not bulk commercial deliveries from trucks.
13. **No Nuisance Created.** The home business shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.

## SEC. 2.327 HOME BASED OCCUPATION

### A. Limited Use Standards

1. **Maintain Residential Character.** The home based occupation must not alter the dwelling to accommodate the home business in any manner that changes the dwelling's residential character and appearance.
2. **Signage.** No signage or on-site advertising permitted.
3. **Non-Resident Employees.** Non-resident employees prohibited.
4. **Use Limitation.** Home based occupation may not receive customers and clients on-site. Silk Stocking and Lost Bayou neighborhoods are exempt from this provision.

## SEC. 2.328 HOMELESS SHELTER

### A. Limited Use Standards.

1. **Minimum Distance from Same Use.** The use shall be located at least one-half mile from an existing location of the same use, measured as a radius from property lines of the limited use.
2. **Minimum Distance from Residential.** The use shall be located at least 200 feet from an R-0, R-1, R-2, or HZD district, measured as a radius from property lines of the limited use.
3. **Maximum Distance from Services.** The use shall be located not more than one-quarter mile from social, public health, or employment services unless the shelter also provides transportation assistance or is located within one-quarter mile of a public transportation stop or transfer facility.
4. **Residential Character.** If operated within a pre-existing residential dwelling, the use shall maintain the residential character and appearance of the structure.

- B. **Specific Use Standards.** The following minimum standards apply for a homeless shelter. The Planning Commission and City Council may impose additional conditions to make the use compatible with adjacent development and protect the public health, safety, and general welfare of the public.

## SEC. 2.329 HOSPITAL HOUSE ESTABLISHMENT

### A. Limited Use Standards.

1. **Residential Structure.** The use shall be located within a residential structure.
2. **On-Site Management.** A resident manager shall live on the site, or the use shall be staffed with 24-hour, on-site management.
3. **Occupancy Limit in UN District.** The use shall not provide for overnight occupancy by more than 12 guests.
4. **Parking Area Screening.** All off-street parking areas for this use with more than 5 parking spaces shall meet the perimeter screening requirements in Article 9, Landscaping.
5. **Signage.** No signage shall be permitted when the use is in a Historic (H) overlay district. Signs may be permitted elsewhere in accordance with Article 5. Signs.

6. **Sanitary Conditions.** The manager shall provide clean linens and towels as necessary, adequate heating, ventilation and lighting, adequate hot and cold water, adequate sewage disposal, and maintain the outside area in a clean and sanitary manner.
7. **Fire Safety Standards.** The use shall comply with all requirements of the City of Galveston Fire Marshal regarding installation of fire detection or fire suppression measures, required fire inspections, or other requirements before the issuance of a certificate of occupancy.

## **SEC. 2.330 KENNEL**

### **A. Limited Use Standards.**

1. **Minimum Distance from Residential.** Any building used for the boarding of animals shall be located at least 200 feet from any residential use or residential zoning district boundary, school, day care facility, or public park, other than a dog park, measured as a radius from property lines of the limited use.
2. **Sound-Proofing.** Where the site is located adjacent to a residential use or zoning district boundary, all buildings used for the care or boarding of animals shall be fully enclosed and sound-proofed so animal noises will not be audible from a property line.
3. **Hours for Outdoor Dog Runs and Animal Exercise Areas.** Where the site is located adjacent to a residential use or zoning district boundary, outdoor dog runs shall not be used, and no other outdoor animal exercise shall occur, between the hours of 9:00 PM and 8:00 AM.
4. **Front Yard Maintenance.** The front yard area shall not be used for animal exercise, and all yards shall be cleared daily of any animal waste.
5. **Screening of Outdoor Dog Runs and Animal Exercise Areas.** Any outdoor dog runs or animal exercise areas visible from a public right-of-way or adjacent residential use or zoning district boundary shall be enclosed by a solid masonry or concrete wall or a wood fence having a minimum height of five feet.
6. **No Nuisance Created.** The use shall not create or cause any perceptible noise or odors, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.

## **SEC. 2.331 LIGHT INDUSTRY**

### **A. Limited Use Standards.**

1. **Hours of Activities near Residential.** The use, if within 200 feet of the property line of a residential use, a mixed-use development that includes residential use, or a residential zoning district boundary, measured as a radius from property lines of the limited use, shall not operate any heavy industrial machinery or equipment between the hours of 9:00 PM and 8:00 AM.
2. **Minimum Distance from Residential.**
  - a. From Existing Residential Dwellings: 200 feet from any residential dwelling in existence at the time the use receives limited use approval, measured as a radius from property lines of the limited use.
  - b. From Residential Districts: 200 feet from any residential zoning district boundary, measured as a radius from property lines of the limited use.

3. **Truck Access.** The use shall be located such that associated truck traffic can access a collector or arterial roadway or a highway without traveling on a public right-of-way adjacent to any residential property, school, public park, recreational area, or facility.
  - a. Loading and Service Areas: 25 feet from any residential property line or zoning district boundary.
  - b. Outdoor Storage: 25 feet from any residential property line or zoning district boundary.
4. **Noise Limitation.** All on-site activities shall comply with City noise regulations.
5. **Screening.** When the site is located adjacent to a residential use or residential zoning district boundary, visual screening shall be provided along all common sides and rear property lines. The screening shall consist of a landscaping strip at least 4 feet in width that provides a year-round visual barrier, and shall be positioned directly adjacent to the adjoining property. A solid masonry or concrete wall or a wood fence having a minimum height of five feet shall be installed immediately behind the landscaping strip.
6. **Materials Management.** Appropriate measures shall be taken to contain, cover, or otherwise secure materials that are likely to generate wind-blown dust or debris that may affect adjacent properties.
7. **No Nuisance Created.** The use shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.
8. **Use Limitation.** LI uses located in the HI district shall meet the Limited Use Standards established in the HI district.
9. **Historic Zoning District.** Limited use on property known as 1202 and 1208 Postoffice/Avenue E and legally described as Lots 8 and 9, Block 492, in the City of Galveston only. Section A.1., A.2., and A.3. shall not apply to this subsection. The "Light Industry" land use allowed by this subsection shall be restricted to Food and Beverage production. (Ord. 15.031)

## **SEC. 2.332 LIVE-WORK UNIT**

### **A. Limited Use Standards.**

1. **Use Limitation.** The nonresidential portion of a live-work unit may be only a commercial retail, office, personal or professional services, and counseling activity as defined in these regulations.
2. **Scale of Use.** The floor area of the nonresidential portion of the use shall not exceed 2,500 square feet.
3. **Historic Corner Store Structures.** If located within an existing traditional, corner store historic structure the floor area of the nonresidential portion of the structure shall not exceed 5,500 square feet.
4. **Hours of Operation for Nonresidential Use.** The nonresidential portion of the use shall not operate between the hours of 9:00 PM and 8:00 AM.



5. **Minimum Distance from Single-Family Residential District.** The use shall be located at least 200 feet from an R-1 district boundary, measured as a radius from property lines of the limited use, unless separated from the district by an arterial street.
6. **Corner Location.**
  - a. **Commercial Retail:** The use shall be located on a corner lot if the nonresidential portion of the use involves a commercial retail activity.
  - b. **Multiple Units:** Multiple live-work units may be located on a blockface only if developed as a contiguous group, with one unit located on a corner lot, and with no more than five units in the group.
7. **No Drive-Through Activity in UN District.** The use shall not include a drive-through component.
8. **Maintain Residential Character.** If located within a pre-existing dwelling that was converted to a live-work unit, the use shall maintain the residential character and appearance of the structure.
9. **Use Limitation.** The business owner and the residents' occupant in the residential portion of the live-work unit must be the same person.

## **SEC. 2.333 MULTI-FAMILY (MF) RESIDENTIAL**

### **A. Limited Use Standards**

1. **Applicability.** Maximum of eight units within R-2 and UN Districts.
2. **Minimum Setback.** The closest property line of the use may not be located closer than 300 feet to an R-1 or R-0 district boundary, unless separated from such district by an arterial street, a right-of-way, or an intervening use. For infill, redevelopment, rehabilitation projects or new buildings in a developing site the setbacks shall match the established adjacent building setbacks.
3. **Accessory Structures.** When any portion of a building or structure is located adjacent to property used or zoned for lower-density residential, the accessory structures of the use, including garages and recreational facilities, shall be set back at least 10 feet from the adjacent property and the landowner shall provide a buffer between the structure and adjacent property. Visual screening shall be provided along all property lines. The screening shall consist of a landscaping strip at least four feet in width that provides a year-round visual barrier up to 5 feet off the ground. A solid masonry or concrete wall or a wood fence having a minimum height of five feet shall be installed immediately behind the landscaping strip. Accessory buildings that are structurally attached to a principal building shall conform to all standards that apply to the principal building.
4. **Fence.** The use shall have a decorative, wrought iron fence no more than 3 feet high in combination with landscaping planted so as to achieve full opaque screening at maturity.
5. **Setbacks.** Building setbacks shall create a uniformed setback along a public street. The front setback shall not be less than the average setback along the same and facing block faces.
6. **Sidewalks.** The design and location of sidewalks in a MF development shall encourage pedestrian circulation. All on-site sidewalks shall be a minimum of width of 5 feet.

Sidewalks adjacent to a parking area, where cars may overhang the walkway, shall be a minimum width of 7 feet. Connections between the on-site pedestrian walkway network and any public sidewalk system shall be provided at regular intervals along the perimeter street.

7. **Street Trees.** Street trees are required to be planted and maintained along all streets and roadways. Street trees shall provide both a continuous, shaded environment along roadways and a physical and visual barrier between a pedestrian on the sidewalk and vehicles on the roadway.
  - a. Alleys and service drives shall not be considered streets or roadways for the purposes of this standard.
  - b. Spacing of street trees shall be a minimum of 15 feet and a maximum of 25 feet for the full length of all streets and roadways and shall be from among tree species on a City approved plant list; the Director of Public Works may modify the spacing to account for the mature size of trees and site features such as infrastructure and utilities.
  - c. Street trees shall be planted within the right-of-way of all streets, access ways, and roadways, excluding thoroughfares, alleys, and service drives. If not allowed within a thoroughfare right-of-way, street trees shall be planted on the private lots along the thoroughfare right-of way.
  - d. Street trees shall be planted at least 3 feet from any curb or sidewalk.

## **SEC. 2.334 NURSERY WHOLESALE**

### **A. Limited Use Standards**

1. **Hours of Operation.** A wholesale nursery or greenhouse when abutting a residential use or a residential zoning district boundary shall not operate between the hours of 9:00 PM and 7:00 AM.
2. **Minimum Setback.**
  - a. Loading and Service Areas: 25 feet from any residential property line or zoning district boundary.
  - b. Outdoor Merchandise Display/Sales and Other Outdoor Storage: 25 feet from any residential property line or zoning district boundary.
3. **Screening.** When the site is located adjacent to a residential use or zoning district boundary, visual screening shall be provided along all common sides and rear property lines. The opaque screening shall consist of a landscaping strip at least 4 feet in width that provides a year-round visual barrier, and positioned directly adjacent to the adjoining property. A solid masonry or concrete wall or a wood fence having a minimum height of five feet shall be installed immediately behind the landscaping strip.
4. **Materials Management.** Appropriate measures shall be taken to contain, cover, or otherwise secure materials that are likely to generate wind-blown dust or debris that may affect adjacent properties, including bulk mulch, sand, soil, fill, rock, and similar materials.
5. **Fencing.** Chain link fence, if used on the site, shall not be not visible from any property line.

## **SEC. 2.335 NURSING/CONVALESCENT HOME**

### **A. Limited Use Standards.**

1. **Existing Structures in the UN district.** The use shall be permitted only in existing structures.
2. **Occupancy Limit in UN District.** The use shall not provide full-time overnight care for more than 16 residents.
3. **Internal Access in UN District.** Ingress to and egress from all resident rooms or living areas shall be made through the interior of the building rather than from direct outside entrances to each such room or living area.
4. **Parking in UN and MF Districts.** All off-street parking areas for this use with more than five parking spaces shall meet the perimeter screening requirements in Article 9, Landscaping.

### **B. Specific Use Standards.** The use shall require a Specific Use Permit as set out in the Permitted Use Table.

### **C. Combination with Place of Public Assembly.** Nursing and convalescent homes are allowed as part of a development that includes a place of public assembly.

## **SEC. 2.336 BAIL BOND OFFICE**

### **A. Limited Use Standards.**

1. **Structures located on Seawall Boulevard with frontage on Seawall Boulevard.** Bail Bond use shall be permitted only in existing structures.
2. **Scale of Use in UN District.** The floor area of the Bail Bond Office use shall not exceed 2,500 square feet.
3. **Minimum Distance from Single-Family Residential in UN District.** The Bail Bond use shall be located at least 200 feet from an R-1 or R-2 district boundary, measured as a radius from property lines of the limited use, unless separated from the district by an arterial street.
4. **Screening in UN District.** When the Bail Bond use is located adjacent to a residential use or residential zoning district boundary, visual screening shall be provided along all common sides and rear property lines. The screening shall consist of a landscaping strip at least four feet in width that provides a year-round visual barrier, and positioned directly adjacent to the adjoining property. A solid masonry or concrete wall or a wood fence having a minimum height of 5 feet shall be installed immediately behind the landscaping strip.

## **SEC. 2.337 PARKING LOT, COMMERCIAL SURFACE PARKING AREA**

### **A. Limited Use Standards.**

1. **Commercial Surface Parking Lots**
  - a. 7 foot wide perimeter landscaping
  - b. One tree every 25 linear feet of parking lot frontage, 2 inch caliper trunk, 14 feet high

- c. 10 foot wide sidewalk along public right-of-ways
- 2. **Interior Landscaping**
  - a. One canopy tree for every eight parking spaces, 2 inch caliper trunk, 14 feet high
  - b. 150 square feet of planting area for each canopy tree
  - c. 8 foot wide interior landscape medians filled with groundcover grasses and 3 foot high shrubs
  - d. 2 foot wide overhang zone with groundcover
  - e. 8 foot wide planting beds/ with trees required at both ends of parking rows.
  - f. 8 foot wide planting strip required every other interior row
- 3. **Storm Water Quality Discharge.** Collection and discharge points shall be in sedimentation basins in parking row medians, elevated catch basins, filter fabric, gravel filter, retention ponding, inlets (spaced as appropriate), and piping connected to on-site storm water system.
- 4. **Parking area construction materials required.** Required materials are concrete or asphalt.
- 5. **Design of Entries/Access** Parking lot layout, access, and markings shall be designed in accordance with *ITE Traffic Engineering Handbook, 6<sup>th</sup> Edition*.
- 6. **Fencing.** Shall be a solid screen and constructed of masonry or wood.

## **SEC. 2.338 PARKING STRUCTURE INCIDENTAL TO MIXED USE OR MAIN USE STRUCTURE**

### **A. Limited Use Standards**

- 1. **General Design.** Structures shall comply with the following design Standards:
  - a. Blank, flat unarticulated walls are prohibited. Parking structures shall be visually similar in character and scale to adjacent buildings;
  - b. Except on sides abutting an alley, all floors above the ground floor of the parking structure shall have architecturally articulated facades designed to screen the view of parked cars;
  - c. The amount of street frontage devoted to a parking structure shall be minimized by placing its shortest dimension(s) along the street edge; and
  - d. Lighting within parking structures shall be directed inward to minimize light pollution.
- 2. **Design of Entries/Access**
  - a. Vehicle entry to off-street parking structures shall be integrated into the placement and design of adjacent buildings or oriented away from the primary street frontage. At a minimum, parking structures shall have vehicle entries from locations that minimize conflicts with pedestrian circulation.
  - b. Parking structures and adjacent sidewalks shall be designed so pedestrians are clearly visible to entering and exiting vehicles.

3. **Ground Floor Use and Design, Commercial.** A commercial parking structure that is integrated into a building containing primarily nonresidential uses shall be constructed at a depth to permit occupancy by any commercial use allowed in the district when 80 percent of the ground floor is adjacent to a public street(except an alley) or adjacent to a public open space/plaza. The ground-level facade of the structure up to and exceeding the first 19 vertical feet of the structure, shall include the following features:
  - a. Facade articulation and modulation through changes in vertical wall plane and/or a change in building material;
  - b. Use of real windows with glazing that may be translucent, but shall not include black or mirrored glass or similar opaque glazing;
  - c. Integration of multiple building entrances; and
  - d. Corner architectural elements shall be incorporated such as a corner entrance, signage, glazing, and/or visually exposed stairs when parking structures are located on street corners.
4. **Ground Floor Use and Design, Residential.** When a parking structure provides parking for residential uses or when the structure is integrated into a residential building, the applicant shall either:
  - a. Follow the design standard for Commercial; or
  - b. Use the ground floor of the structure for parking, provided the ground-level façade of the structure (at least the first 12 vertical feet of the structure) includes at least two of the following features:
    - i. Façade articulation and modulation through changes in vertical wall plane and/or a change in building material;
    - ii. Use of real windows with glazing that may be translucent, but shall not include black or mirrored glass or similar opaque glazing;
    - iii. Use of false windows defined by frames or lintels and sills;
    - iv. Integration of multiple building entrances; and
    - v. Buffering of the street edge with landscaping, berms, or landscaped planters.

## **SEC. 2.339 PASSENGER MOTOR VEHICLE SALES OR RENTAL**

### **A. Limited Use Standards.**

1. **Use Limitation in CB Districts.** The use shall involve only vehicle rental and not vehicle sales. No outside repair of vehicles or bodywork permitted.
2. **No On-Site Direct Sales** Passenger Motor Vehicle Sales uses are prohibited on properties with frontage on Seawall Boulevard.
3. **Parking.** No new or expanded surface parking permitted for this use on properties with frontage on Seawall Boulevard.
4. **Minimum Setback.** Except in the CB district:
  - a. Outdoor Vehicle Display/Sales and Other Outdoor Storage: 25 feet from any residential property line or zoning district boundary.

- b. **Vehicle Wash Facilities.** Accessory vehicle wash facilities and their incidental functions, including vacuums and air compressors, shall be set back at least 50 feet from the side or rear property line of any adjacent residential use or residential zoning district boundary.
5. **Interior Space Only in CB District.** All vehicle display and showroom areas shall be within an enclosed building.
6. **Orientation of Service Bays.** Except in the CB district, any service or repair bays associated with the use shall be oriented away from adjacent public street right-of-ways or any adjacent residential use or residential zoning district boundary.
7. **Outdoor Vehicle Display.** Outdoor vehicle display shall occur only on paved areas of the site; the displayed vehicles shall not occupy or obstruct required parking spaces.
8. **Elevated Vehicle Display.** No more than one outdoor elevated display vehicle shall be permitted; the elevated display shall raise the vehicle no more than 3 feet off the ground.
9. **Screening.** Except in the CB district, when the site is located adjacent to a residential use or residential zoning district boundary, visual screening shall be provided along all common sides and rear property lines. The screening shall consist of a solid landscaping strip at least 4 feet in width that provides a year-round visual barrier, and positioned directly adjacent to the adjoining property. A solid masonry or concrete wall or a wood fence having a minimum height of five feet shall be installed immediately behind the landscaping strip.
10. **Surface treatment.** All surfaces for vehicle travel or storage are to be treated with a dustless surface and an adequate system of storm drainage.
11. **Space Parameters.** Every space for a vehicle for sale shall measure 10 feet by 24 feet.
12. **Sidewalks.** Sidewalks, curbs, and curb cuts shall be provided on all street frontages. All on-site sidewalks shall be a minimum of width of five feet.
13. **Property maintenance.** The property upon which any used car lot is located must be maintained in a neat and orderly manner with no accumulation of junk vehicles, tires, auto parts, garbage, refuse, or debris on the property.

## **SEC. 2.340 PERSONAL FITNESS OR MUSIC INSTRUCTION**

### **A. Limited Use Standards.**

1. **Scale of Use.** The floor area of this use shall not exceed 2,500 square feet.
2. **Occupancy in UN District.** The use shall not accommodate more than five customers and not more than two non-resident employees on the premises at any one time.
3. **Limited Activities in UN District.** The use shall not involve recitals, competitions, or other assemblies that would bring multiple visitors to the site other than the customers who receive services or instruction on the premises.
4. **Hours of Operation near Residential.** The use, when abutting a residential use or residential zoning district boundary, shall not operate between the hours of 8:00 PM and 5:00 AM. Additionally, no outdoor activities shall occur before 9:00 AM if the site abuts a residential use.

5. **Residential Character in UN District.** If operated within a pre-existing dwelling, the use shall maintain the residential character and appearance of the structure.
6. **Sound-Proofing.** Where the use is located adjacent to a residential use or residential zoning district boundary, all buildings that will involve amplification of music or voices shall be fully enclosed and soundproofed to ensure compliance with City noise regulations at all common property lines. No outdoor speakers shall be used in association with any outdoor activities.

## **SEC. 2.341 PET GROOMING AND SERVICES**

### **A. Limited Use Standards.**

1. **No Outdoor Activity.** The use shall be conducted within a fully enclosed building and shall not include any outdoor dog runs or animal exercise areas.
2. **Sidewalk.** The owner shall clear all public sidewalk areas of animal waste daily.
3. **Maintain Residential Character.** If operated within a pre-existing dwelling, the use shall maintain the residential character and appearance of the structure.
4. **Noise Limitation.** All on-site activities shall comply with City noise regulations. Where the site is located adjacent to a residential use, a mixed-use development that includes residential use, or a residential zoning district boundary.
5. **Sound-Proofing.** All buildings where animals will be accommodated shall be soundproofed such that no animal noises will be audible from a property line.

## **SEC. 2.342 PLACE OF PRIVATE ASSEMBLY**

### **A. Limited Use Standards**

1. **Parking.** Must meet parking standard of one space per 200 square feet of gross floor area. (Ord. 15-050)
2. **Sound-Proofing.** Must comply City noise regulations or seek appropriate permit to exceed regulated noise levels.

## **SEC. 2.343 PLACE OF PUBLIC ASSEMBLY**

### **A. Limited Use Standards.**

1. **Scale of Use.** The gross floor area of the use shall not exceed 2,500 square feet unless located on a corner site, in which case the gross floor area of the use shall not exceed 5,500 square feet.
2. **Hours for Outdoor Events near Residential.** The use, when abutting a residential use, shall not involve any outdoor events after 9:00 PM or before 8:00 AM.

## **SEC. 2.344 PROFESSIONAL SERVICES OR COUNSELING**

### **A. Limited Use Standards.**

1. **Home-Based Occupation/Business.** The use may also operate as a Home Based Business/Occupation, subject to the standards in Section 2.325. Home Based Occupation/Business.

2. **Hours of Operation near Residential.** The use, when abutting a residential use or residential zoning district boundary, shall not receive clients, customers, or other visitors beyond the owner and employees between the hours of 10:00 PM and 8:00 AM.
3. **Scale of Use.** The floor area of the use shall not exceed 2,500 square feet.
4. **Occupancy in UN District.** The use shall not accommodate more than five clients and not more than two non-resident employees on the premises at any one time.

#### **SEC. 2.345 RECREATION, INDOOR**

- A. Limited Use Standards.** The use provides recreation opportunities indoors for the public (open to the community) or residents of a subdivision or development, which are not commercial in nature. The use shall not include commercial exercise clubs or amusement uses and includes only:
1. Community recreation centers;
  2. Gymnasiums;
  3. Indoor swimming pools; or
  4. Tennis, racquetball, or handball courts.

#### **SEC. 2.346 RECREATION, OUTDOOR**

- A. Limited Use Standards.** The use shall not allow for developments commercial in nature, except for golf courses and fishing piers. The use includes public areas for active or passive recreational activities including, but not limited to:
1. Jogging, cycling, tot-lots, playing fields, playgrounds, outdoor swimming pools and tennis courts;
  2. Golf courses (regardless of ownership or membership);
  3. Fishing piers;
  4. Arboretums, wildlife sanctuaries and other natural areas that may be used for walking or hiking; or
  5. Other passive recreation-oriented parks, including picnic areas, garden plots and beaches, and associated support activities such as bathhouses and cabanas.

#### **SEC. 2.347 RECYCLING COLLECTION CENTER**

- A. Limited Use Standards.**
1. **Use Limitation.** The use shall involve only sorting and temporary storage of the collected materials prior to transport off site and not any on-site processing.
  2. **Limitation on Household Hazardous Waste Collection.** No household hazardous waste or materials shall be collected, handled, or stored at a collection center located in any district other than the LI and HI district. Except that such activity may occur as part of a temporary City-sponsored collection event after which all such collected materials shall be transported off site and not stored overnight at the use site.



3. **On-Site Management.** The use shall have an on-site manager on duty at all times the facility is open. Suitable security measures and signage shall be provided to prevent access by unauthorized persons when the facility is closed. Scavenging shall not be permitted at any time.
4. **No Outdoor Activity in Certain Districts.** In the R-O, R-1, R-2, UN, MF, and CB districts, or where the site is located adjacent to a residential use or residential zoning district boundary, all sorting, handling and storage activities associated with the use shall be conducted within a fully enclosed building. This restriction may be waived in districts other than those cited above where the site has frontage on and access to a street classified as an arterial or highway. Delivery of recyclables into collection bins or temporary storage containers is allowed in open areas.
5. **Hours of Operation.**
  - a. Near Residential: If the use is located within 200 feet of the property line of a residential use, a mixed-use development that includes residential use, or a residential zoning district boundary, measured as a radius from property lines of the limited use, the sorting, handling, loading, and transport aspects of the use shall not operate between the hours of 8:00 PM and 8:00 AM. Any equipment essential to the operation of the recycling collection center shall not be operated between the hours of 7:00 PM and 7:00 AM.
  - b. Abutting Residential: The use, when abutting a residential use, shall not be available for drop-off activity between the hours of 9:00 PM and 8:00 AM.
6. **Minimum Distance from Residential in R-1, R-2, and UN Districts.** The use shall be located at least 100 feet from any residential use, measured as a radius from property lines of the limited use.
7. **Minimum Setback.** In districts where the use abuts a residential use:
  - a. Drop-Off, Loading, and Service Areas: 25 feet from any residential property line.
  - b. Outdoor Storage: 25 feet from any residential property line.
8. **Vehicle Stacking.** If designed for drive-through, drop-off of recyclables, the site shall have sufficient off-street vehicle stacking areas to prevent queuing of patrons, employees, and service vehicles on an abutting public street.
9. **Screening.**
  - a. Residential: When the site is located adjacent to a residential use, in districts where this use is permitted, visual screening shall be provided along all common side and rear property lines. The screening shall consist of a solid landscaping strip at least four feet in width that provides a year-round visual barrier, and positioned directly adjacent to the adjoining property. A solid masonry or concrete wall or a wood fence having a minimum height of five feet shall be installed immediately behind the landscaping strip.
  - b. Outdoor Storage. Any outdoor storage areas visible from a public right-of-way shall be enclosed by a solid masonry or concrete wall or a wood fence of sufficient height such that no stored materials are visible above the top of the screening wall or fence from a public right-of-way.

10. **Parking and Screening of Service Vehicles in R-O, R-1, R-2, and UN Districts.** Trucks or vehicles associated with the use shall not be parked on-site overnight unless in a location that screens them from view from a public right-of-way. No vehicle service or maintenance activities shall occur on the site.
11. **Fencing.** Chain link or barbed wire fence, if used on the site, shall not be not visible from any of the site's property lines.
12. **Materials Management.** Appropriate measures shall be taken to contain, cover, or otherwise secure materials that are likely to generate wind-blown dust or debris that may affect adjacent properties, including baling or palletizing of materials destined for recycling.
13. **Control of Insects and Vectors.** The use shall be operated and maintained to prevent and eliminate the attraction, harborage, or breeding of wildlife or insects, rodents, and other vectors.
14. **Sanitary Conditions.** Sanitary conditions shall be maintained through periodic wash-down of the drop-off areas and other facilities or other appropriate cleaning method to prevent odors, unsightliness, or other nuisance conditions from developing. All residuals shall be properly disposed of following cleaning operations.
15. **No Nuisance Created.** The use shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.

## **SEC. 2.348 RESIDENTIAL STABLE**

### **A. Limited Use Standards.**

1. **Compliance with Animal Regulations.** The use shall comply with other applicable provisions of the City Code of Ordinances, including Chapter 7. Animals and Fowl.
2. **Use Limitation.** The use shall be accessory to a residential development for the exclusive private use of residents of the development and their accompanied guests. The accessory activity shall be for the common use of residents as opposed to an equestrian subdivision design in which each lot has a private accessory stable.
  - a. **No Commercial Activity:** The accessory use shall not operate similar to a freestanding commercial stable and shall not involve the temporary hire of horses or provision of rental riding facilities for the public. Additionally, no on-site sale of horses to the public shall occur.
  - b. **No Events:** The accessory use shall not host or involve any equestrian sporting events or shows such as polo games, rodeos, or riding competitions.
3. **Hours of Operation.** The accessory use shall not allow any horse riding or training activity between the hours of 10:00 PM and 8:00 AM.
4. **Limited Access.** Principal road access and resident access to the accessory use shall be internal to the residential development site. Access to the accessory use from public roads external to the residential development shall be limited to service and emergency vehicles.

5. **Minimum Area.** The accessory use shall include at least 1 acre of open pasture per horse sheltered.
6. **Minimum Distance from Residential Use or District.** All aspects of the accessory use, including any associated parking or service areas, shall be located at least 200 feet from a common property line between the principal residential development and another residential use, a mixed-use development that includes residential use, or a residential zoning district boundary.
7. **Materials Management.** Appropriate measures shall be taken to contain, cover, or otherwise secure materials that are likely to generate wind-blown dust or debris that may affect adjacent properties.
8. **No Nuisance Created.** The use shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.

## **SEC. 2.349 RESTAURANT WITH DRIVE-IN/THROUGH**

- A. **Limited Use Standards.** To prevent vehicle and pedestrian conflicts with restaurants located on Broadway Boulevard or Seawall Boulevard restaurant uses with lot frontage and a drive-through service facility providing food service directly to occupants of a motor vehicle shall not have curb cuts and vehicle access on Seawall Boulevard or Broadway Boulevard. If a lot with frontage on Seawall Boulevard or Broadway Boulevard is limited to vehicle access from Seawall Boulevard or Broadway Boulevard, the site shall be limited to one access drive. Spacing of the access drive shall be placed in a location to limit vehicle conflicts with other off-site access drives.

## **SEC. 2.350 RESTAURANT WITHOUT DRIVE-IN THROUGH**

- A. **Limited Use Standards.**
  1. **Scale of Use.** The floor area of the use shall not exceed 2,500 square feet unless located within an existing traditional corner store structure, in which case the floor area of the use shall not exceed 5,500 square feet.
  2. **Hours of Operation near Residential.** The use, if within 200 feet of the property line of a residential use, a mixed-use development that includes residential use, or a residential zoning district boundary, measured as a radius from property lines of the limited use, shall not operate between the hours of 10:00 PM and 8:00 AM.
  3. **Minimum Distance from Single-Family Residential District.** The use shall be located at least 200 feet from an R-1 or R-2 district boundary, measured as a radius from property lines of the limited use, unless separated from the district by an arterial street.
  4. **Residential Character.** If operated within a pre-existing dwelling, the use shall maintain the residential character and appearance of the structure.
  5. **Residential Screening.** When the site is located adjacent to a residential use or residential zoning district boundary, visual screening shall be provided along all common side and rear property lines. The screening shall consist of a solid landscaping strip at least four feet in width that provides a year-round visual barrier, and positioned directly adjacent to the adjoining property. A solid masonry or concrete wall or a wood fence having a minimum height of five feet shall be installed immediately behind the landscaping strip.

6. **No Nuisance Created.** The use shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.

## **SEC. 2.351 BIG BOX STORE**

### **A. Limited Use Standards.**

1. **Scale of Use.** The gross interior floor area of the use shall not exceed 250,000 square feet, and outside areas used for outdoor merchandise display or storage shall not exceed 30 percent of the gross interior floor area.
2. **Hours of Operation near Residential.** When abutting or within 200 feet of a residential use or zoning district boundary, measured as a radius from property lines of the limited use, the use shall not have any outdoor sales or loading or delivery activities between the hours of 10:00 PM and 7:00 AM.
3. **Truck Access.** The use shall be located such that associated truck traffic can access a collector or arterial roadway without traveling on a public right-of-way adjacent to any residential property, school, public park, recreational area, or facility.
4. **Outdoor Surfaces.** All outdoor areas used for merchandise display and storage shall have an improved hard surface.
5. **Minimum Setback.**
  - a. Loading and Service Areas: 25 feet from any residential property line or zoning district boundary.
  - b. Outdoor Merchandise Display/Sales and Other Outdoor Storage: 25 feet from any residential property line or zoning district boundary.
6. **Location of Loading Bays.** Loading bays shall be located on the side or rear of the site, oriented away from abutting public street right-of-ways, unless a residential use abuts the site to the side or rear.
7. **Noise Limitation.** All outdoor activities shall comply with City noise regulations. Additionally, any outdoor speakers shall be oriented toward the interior of the site and away from property lines, and shall not be operated before 8:00 AM or after 9:00 PM except to provide emergency notifications.
8. **Residential Screening.** When the site is located adjacent to a residential use or residential zoning district boundary, visual screening shall be provided along all common side and rear property lines. The screening shall consist of a landscaping strip at least four feet in width that provides a year-round visual barrier, and positioned directly adjacent to the adjoining property. A solid masonry or concrete wall or a wood fence having a minimum height of five feet shall be installed immediately behind the landscaping strip.
9. **Materials Management.** Appropriate measures shall be taken to contain, cover, or otherwise secure materials stored outdoors that are likely to generate wind-blown dust or debris that may affect adjacent properties.

10. **No Nuisance Created.** The use shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.

## **SEC. 2.352 RV PARK (RECREATIONAL VEHICLES)**

### **A. Limited Use Standards.**

1. **Minimum Setback.**
  - a. Common Facilities: 100 feet from any residential property line or zoning district boundary for restroom/shower facilities and swimming pools or other active recreational facilities.
  - b. Liquid Propane/Propane refueling station: 250 feet from any property line.
2. **Noise Limitation.** All outdoor activities shall comply with the City's noise regulations. Additionally, any outdoor speakers shall be oriented toward the interior of the site and away from property lines, and shall not be operated after 9:00 PM except to provide emergency notifications.
3. **Residential Screening.** When the site is located adjacent to a residential use or residential zoning district boundary, visual screening shall be provided along all common side and rear property lines. The screening shall consist of a solid landscaping strip at least four feet in width that provides a year-round visual barrier, and positioned directly adjacent to the adjoining property. A solid masonry or concrete wall or a wood fence having a minimum height of five feet shall be installed immediately behind the landscaping strip.
4. **Rental Period.** An individual RV is limited to a rental period of sixty days per individual RV pad site.
5. **Minimum Site Area.** The use shall occur on a site of at least 5 acres. An area containing a minimum of 600 square feet with a minimum width of 20 feet facing a street shall be required for each travel trailer lot.
6. **Soil and Ground Cover.** Exposed ground surfaces in all parts of every park shall be paved, covered with solid material, or protected with a vegetative growth that is capable of preventing soil erosion and eliminating dust. The park owner shall be responsible for the maintenance of the ground cover or other vegetation when used.
7. **Screening.** All travel trailer parks shall be enclosed by a screening wall constructed as not to restrict visibility at park entrances and exits consisting of masonry, wood, or live foliage and shall not be less than 6 feet nor more than 8 feet in height and shall fully screen the park from adjacent streets or abutting lands. Live foliage shall not be restricted to a maximum height but must provide a fully opaque visual screen within one year of planting to the specified height and remain fully opaque on a year-round basis.
8. **Drainage.** All ground surfaces in the park shall be graded in such a manner as to provide drainage of all surface water in a safe, efficient way. Runoff shall not be permitted to drain on adjacent property and natural drainage characteristics must be retained. A drainage

plan prepared by a registered professional engineer is required prior to the issuance of a building permit.

9. **Minimum Distance from Residential District.** An RV park may not be developed on a lot or tract abutting a lot or tract zoned R-0, R-1, or an UN zoning district. RV park operators shall prohibit the installation of temporary decks, gazebos, shade structures, carports, patios, or other accessory structures. The Texas Campground development shall be exempt from the provision.

## **SEC. 2.353 SHORT TERM RENTAL RESIDENTIAL DWELLING**

### **A. Limited Use Standards.**

1. **Proof of Permitting.** A property owner shall register short-term rental as required by the short-term rental ordinance.
2. **Applicability.** The property owner shall pay Hotel Occupancy Tax as required by state law and municipal ordinance.
3. **Noise Limitation.** The use shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.
4. **Parking Area.** Parking is limited to one space per guest room; two spaces of which may be calculated as required parking in the public street right-of-ways.
5. **Signage.** Signs prohibited.

## **SEC. 2.354 SINGLE-FAMILY ATTACHED RESIDENTIAL DWELLING**

### **A. Limited Use Standards.** Do not apply to property located between 1624 and 1628 Sealy Ave.

1. **Townhome style dwelling.** The use shall be constructed on a site adjacent to a property with a pre-existing townhome style dwelling.

## **SEC. 2.355 SINGLE-FAMILY DETACHED RESIDENTIAL DWELLING**

- ### **A. Limited Use Standards.**
- In the CB district, a new single-family detached dwelling shall be constructed only on a blockface where 50 percent or more of the land area constituting the blockface is already developed with single-family detached dwellings. Additionally, the lot proposed for development must be bounded on two sides, along the same blockface, with single-family detached dwellings that are pre-existing or to be built concurrently with the proposed new dwelling.

## **SEC. 2.356 SCHOOL, PRIVATE**

### **A. Limited Use Standards.**

1. **Scale of Use.** The use, if accessed by a collector, arterial, or highway shall not accommodate more than 100 students hours annually for outdoor events near residential use. The use, when abutting a residential use, shall not involve any outdoor events after 9:00 PM or before 8:00 AM.
2. **Minimum Distance of Outdoor Recreation from Residential Use and District.** A site designed to accommodate active outdoor recreation such as field games, court games, or swimming shall be located at least 100 feet from any common property line with an

abutting residential use. This minimum distance shall increase to 200 feet where the facilities are to be lighted for use at any point after dusk.

3. **Minimum Site Area.** The use shall occur on a site of at least 1 acre.
4. **Noise Limitation.** All outdoor activities shall comply with the City's noise regulations. Additionally, any outdoor speakers shall be oriented toward the interior of the site and away from property lines and shall not be operated before 8:00 AM or after 9:00 PM except to provide emergency notifications.
5. **Screening.** When the site is located adjacent to a residential use or zoning district boundary, visual screening shall be provided along all common side and rear property lines. The screening shall consist of a landscaping strip at least four feet in width that provides a year-round visual barrier, and positioned directly adjacent to the adjoining property. A solid masonry or concrete wall or a wood fence having a minimum height of 5 feet shall be installed immediately behind the landscaping strip.

## **SEC. 2.357 SELF STORAGE**

### **A. Limited Use Standards.**

1. **Existing Structure.** The use shall be permitted only in existing structures (as of March 5, 2015) in the CB District.
2. **Mixed-Use Building for Street-Level Activity.** The use shall be permitted only in mixed-use buildings with one or more active uses on the ground floor. No self-storage units shall be located on the ground floor or first habitable floor.
3. **Outdoor Storage.** All self-storage units shall be fully enclosed, and the use shall not involve any outdoor storage.
4. **Minimum Distance from Same Use within CB District.** The use shall be located at least one-half mile from an existing location of the same use within the CB district, measured as a radius from property lines of the limited use.
5. **Internal Access.** Access to all self-storage units shall be made through the interior of the building rather than from direct outside entrances to each unit.
6. **On-Site Security.** The use shall provide on-site security during all hours of operation including screening all visitors to maintain controlled access to the self-storage units.
7. **Noise Limitation.** All outdoor activities shall comply with City noise regulations.
8. **Screening.** Any off-street areas provided for drop-off and loading activity shall be screened so as not to be visible from abutting public street right-of-ways.

## **SEC. 2.358 SUBSTANCE ABUSE FACILITY**

- A. **Specific Use Standards.** The following standards apply for a substance abuse facility. The Planning Commission and City Council may impose additional conditions to make the use compatible with adjacent development and to protect the health, safety, and general welfare of the community.
- B. **Limited Use Standards.**

1. **Proof of Permitting.** The applicant shall provide proof of application for any licenses required by the State of Texas at the time of application for limited use approval and shall provide proof of issuance of any required licenses before commencing operations.
2. **Limit on Private Assemblies in UN District.** The use shall not host any private assemblies involving others in need of rehabilitation beyond the residents of the facility.
3. **Occupancy Limit in UN District.** The use shall not provide full-time overnight care for more than eight residents.
4. **Hours of Visitation.** Visits to residents of the facility by non-residents shall not occur between the hours of 10:00 PM and 8:00 AM.
5. **Minimum Distance from Same Use.** The use shall be located at least one-half mile from an existing location of the same use, measured as a radius from property lines of the limited use.
6. **Minimum Distance from Residential Uses in UN district.** The use shall be located at least 200 feet from a residential land use. In R-O, R-1, or R-2 districts, the use shall be 200 feet from a residential use, measured as a radius from property lines of the limited use, unless separated from the district by an arterial street.
7. **Minimum Distance from Certain Locations.** The use shall be located at least 200 feet from a school or public park, measured as a radius from property lines of the limited use.
8. **Corner Location in UN District.** The use shall be located on a corner lot.
9. **Internal Access.** Ingress to and egress from all assigned living areas for residents shall be made through the interior of the building rather than from direct outside entrances to each unit.
10. **Maintain Residential Character.** If operated within a pre-existing dwelling, the use shall maintain the residential character and appearance of the structure.
11. **Signage.** No signage is permitted.

**SEC. 2.359 TOWING SERVICE FACILITY** (ORD. 17-013) (ORD. 17-022)

**A. Specific Use Standards.** The following standards shall apply for a towing service facility. The Planning Commission and/or City Council may impose additional conditions in the grant of the Specific Use Permit. In determining whether any additional conditions are appropriate, the Planning Commission and/or City Council will consider whether the proposed use is consistent with surrounding development, will identify any deleterious effect which may be caused in the area by the granting of the SUP, and will impose any such conditions to address such deleterious effect so as to eliminate or minimize them, and may impose any such additional conditions necessary and appropriate to protect the health, safety, and general welfare of the community.

**B. Limited Use Standards.**

1. **Minimum Distance from Residential.** The use shall be located a minimum of 200 feet from any residential use or residential zoning district boundary, measured as a radius from the property lines of the limited use.



2. **Access.** The use shall be located so associated towing service traffic can access a collector, arterial, or highway without traveling on a public right-of-way adjacent to any residential property, school, public park, or recreational area or facility.
3. **Screening.** Any outdoor storage of vehicles visible from a public right-of-way shall be enclosed by a solid masonry or concrete wall or a wood fence of sufficient height such that no stored vehicles are visible above the top of the screening wall or fence from a public right-of-way, however the screening wall or fence may not exceed eight (8) feet in height.
4. **Paving.** Any parking required by Article 8: Parking and Loading shall be paved. Parking areas in excess of the required parking shall be stabilized with crushed stone material.
5. **Dust Mitigation:** Appropriate dust suppression measures shall be taken, such as containment or covering, when the outdoor storage involves materials likely to generate wind-blown dust that may affect adjacent properties.
6. **No Nuisance Created.** The use shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.

## **SEC. 2.360 VENDING KIOSK / ATM**

### **A. Limited Use Standards.**

1. **Minimum Setback.** Vending kiosks and ATMs shall be set back from property lines one foot for each one foot in height of the kiosk or ATM.
2. **Maximum Height.** Vending kiosks and ATMs shall not exceed 10 feet in height.
3. **Protection from Collision.** Vending kiosks and ATMs shall be elevated above parking lot surfaces and protected by a six-inch curb with a minimum radius around the base of the kiosk or ATM of five feet. Bollards shall not be used for collision protection unless they are integrated into a decorative metal fence that surrounds the structure except at points of access.
4. **Effect on Circulation.**
  - a. Walk-up format vending kiosks and ATMs shall be located to connect to any internal or external pedestrian circulation systems on or adjacent to the site, and shall not interfere with vehicular circulation.
  - b. Drive-through format vending kiosks and ATMs shall be located and designed to minimize interference with vehicular circulation in surrounding or adjacent parking areas and shall provide at least three vehicle stacking spaces including the position at the kiosk or ATM.
5. **Parking.** Parking spaces for walk-up format vending kiosks and ATMs shall be located within 30 feet of the base of the kiosk or ATM.

### **B. Limited Use Standards in the CB District.** The vending kiosks or ATMs shall be:

1. A walk-up format that is integrated into a building façade;

2. Accessible from a public sidewalk;
3. Located in a building façade that faces a street with on-street parking; and
4. Situated so as not to encroach onto the public sidewalk and so use of the kiosk or ATM does not impede the flow of pedestrian traffic along the sidewalk.

## **SEC. 2.361 WHOLESALE**

### **A. Limited Use Standards.**

- a. **Existing Structure.** The use shall be permitted only in structures built prior to October 30, 2014.
- b. **Minimum Distance from Residential.** The use shall be located at least 200 feet from any residential use or residential zoning district boundary, measured as a radius from property lines of the limited use.
- c. **Outdoor Storage.** The use shall not involve any outdoor storage.
- d. **Truck Access.** The use shall be located such that associated truck traffic can access a collector or arterial roadway without traveling on a public right-of-way adjacent to any school, public park, recreational area, or facility.
- e. **Minimum Setback of Loading and Service Areas.** 25 feet from any residential property line or residential zoning district boundary.
- f. **Noise Limitation.** All on-site activities shall comply with the City's noise regulations.
- g. **Screening.** Any off-street loading and service areas shall be screened so as not to be visible from abutting public street right-of-ways.
- h. **Noise Limitation.** The use shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.

# Division 2.400 Supplemental Standards for Various Uses

## SEC. 2.401 ACCESSORY BUILDINGS AND STRUCTURES

- A. **Generally.** The standards of this Section shall apply to accessory buildings and structures that are not specifically addressed elsewhere in this Article (e.g., accessory dwelling unit).
- B. **Timing of Construction.** No accessory building or structure shall be constructed unless the principal building has already been constructed or is under construction simultaneously with the accessory building. The City Manager may waive this requirement by securing assurance the primary structure will be completed within six months from the date the waiver is granted.
- C. **Location.** Accessory buildings shall be located on the same lot or parcel as the principal building or use to which they relate.
- D. **Encroachment into Easements.** Accessory structures shall not be located within access or utility easements unless the easement expressly allows the encroachment. A copy of the easement shall be provided to the City Manager prior to the issuance of permits or clearances for such accessory structures.
- E. **Attached Accessory Buildings.** The following standards shall apply to attached accessory buildings:
  - 1. Accessory buildings that are structurally attached to a principal building shall conform to all standards that apply to the principal building.
  - 2. Covered but otherwise unenclosed walkways shall not be considered attachments for the purposes of this subsection; however, overhangs from covered walkways shall not encroach into setbacks more than is allowed for principal buildings.
- F. **Residential Occupancy.** Residential occupancy shall not be permitted in accessory buildings that are not constructed and approved for residential use.

## SEC. 2.402 OUTDOOR SWIMMING POOLS AND SPAS

- A. **Generally.** Outdoor swimming pools and spas are allowed as an accessory structure according to the standards of this Section and pursuant to other applicable provisions in the City Code of Ordinances and state law.
- B. **Timing and Location of Construction.** The following standards shall apply to the timing and location of swimming pool and spa construction:
  - 1. No swimming pool or spa shall be constructed unless:
    - a. The principal building has already been constructed or is under construction simultaneously; or
    - b. The swimming pool or spa is or will be controlled by a property owners' association, and the development phasing plan allows its construction before construction on the lots to which the swimming pool or spa relates.
  - 2. In general, a swimming pool or spa shall be constructed on the same lot as the principal building to which it is accessory. A swimming pool or spa that is intended to serve the

occupants of all lots in a subdivision shall be constructed on a tract that is owned and maintained by a property owner's association.

- C. **Setback.** No encroachment of easements. Any structure taller than 30 inches, including mechanical equipment, must meet setbacks. (Ord. 15-032)
- D. **Pool Yard Enclosures.** Pool yards shall be enclosed as required by the City Code of Ordinances or Section 757.001, *et seq.*, Texas Health and Safety Code.

## **SEC. 2.403 RETAINING WALLS**

- A. **Applicability.** The provisions of this Section shall apply to all retaining walls as defined in Article 14, Definitions. All properties or developments existing on the effective date of the ordinance through which these provisions were adopted (March 26, 2009) shall comply with the provisions of this Section if:
  - 1. The structure on the property is increased in square footage greater than:
    - a. 25 percent of the total floor area;
    - b. 1,000 square feet;
  - 2. There is a change of ownership of the property; or
  - 3. The value of all construction done on the property since the effective date (March 26, 2009) totals at least 35 percent of the tax roll value of the property on the effective date.
- B. **Materials.** Retaining walls adjacent to or visible from a public right-of-way shall be faced with one of the following earth-tone materials:
  - 1. Brick;
  - 2. Decorative block;
  - 3. Timber;
  - 4. Stone; or
  - 5. Stucco.

Any other finish materials shall require a detailed description and justification, and the approval of the Planning Director.
- C. **Screening from Right-of-ways or Residential Properties.** All retaining walls shall be screened from public right-of-ways or adjacent residential properties. Retaining wall screening shall consist of:
  - 1. Landscape Strip: A landscape strip, minimum 2 feet wide.
  - 2. Shrubs: The landscape strip shall contain shrubs 36 inches tall or the height of the wall, whichever is less. The shrubs shall be spaced at 36 inches on center and be located on private property at the base of the wall.
- D. **Screening Adjacent to Parking.** Full landscaping shall be installed at the top of the retaining wall, in accordance with Article 9, Landscaping, to satisfy the visual screening requirements between parking/servicing areas and driveways and an adjacent residential use or zoning district and the right-of-ways screening requirements between any parking/servicing areas and adjacent street right-of-way.

## Division 2.500 Supplemental Residential Standards

### SEC. 2.501 FENCES AND WALLS

- A. **Applicability.** The provisions of this Section shall apply in all residential zoning districts unless indicated otherwise elsewhere in these regulations.
- B. **Height.** No fence or freestanding wall shall exceed the following heights:
  - 1. 8 feet for any residential use, including multifamily uses, unless otherwise stated in the additional items in this subsection, below;
  - 2. 4 feet for any solid fence or wall within a front yard of any residential use or 5 feet if the fence or wall is at least 60 percent transparent;
  - 3. 4 feet for any solid fence or wall within a front yard of any single-family attached dwelling or multifamily use or 6 feet if the fence or wall is at least 60 percent transparent; or
  - 4. 12 feet for any tennis court fence.

## Division 2.600 Supplemental Nonresidential and Mixed Use Standards

### SEC. 2.601 FENCES AND WALLS

- A. **Applicability.** The provisions of this Section shall apply in all nonresidential and mixed-use zoning districts unless indicated otherwise elsewhere in these regulations, such as when a fence or wall required for screening purposes must be taller than the maximum height allowed by this Section.
- B. **Height.** No fence or freestanding wall shall exceed the following heights:
  - 1. 8 feet for any nonresidential use or mixed-use development; or
  - 2. 12 feet for any tennis court fence.
- C. **Materials.** Fences and walls shall be constructed of durable, high-quality materials used for commercial application including: weather-resistant wood species, wood treated with preservatives approved by the U.S. Environmental Protection Agency, painted wood, composite materials, ornamental wrought iron, powder-coated aluminum, brick ore, and stone.
  - 1. **Prohibited Materials.** When a fence or wall is visible from a public street, the following materials shall not be used:
    - a. Scrap lumber, plywood, sheet metal, corrugated metal, plastic, or fiberglass sheets;
    - b. Barbed or razor wire, except as provided in subsection 2.600.C.2., or welded wire or chicken wire; and
    - c. Glass, spikes, nails, or other sharp point or instrument on the top or sides of fences.
  - 2. **Security Considerations.** Barbed or razor wire may be placed on top of fences enclosing public utility buildings, protective care facilities, correctional facilities, industrial properties, and in other situations as required by federal or state law, or wherever the City Manager finds that such measures:

- a. Are necessary to address a demonstrated security interest; and
- b. Comparable security cannot be provided using vegetation (e.g., hedges or shrubs with thorns).

## **SEC. 2.602 PERMANENT COMMERCIAL USES**

- A. **Permanent Structure.** Except as provided elsewhere in these regulations, every nonresidential use within the City shall be operated out of a stationary building and constructed on an anchored foundation, as approved by the Building Official.
- B. **Restroom Facilities.** Every business within the City shall provide restroom facilities on-site within the permanent structure. The restroom facilities shall be available for use by the employees of the particular business. The restroom facilities shall comply with all applicable state, county and city building and health code provisions for the size and type of business to be operated at the site including accessibility of the restroom facilities for disabled persons.

# ARTICLE 3. DISTRICT YARD, LOT, AND SETBACK STANDARDS

## Division 3.100 Purpose and Applicability

### SEC. 3.101 GENERALLY

This Article establishes general and specific standards for the scale and intensity of development and redevelopment that is allowed within the zoning districts established by these regulations.

### SEC. 3.102 APPLICABILITY

No building, structure, or part thereof shall be erected, altered, or converted for any use permitted in the district in which it is located unless it is in conformity with all the standards of this Article. However, potential exceptions may arise through provisions elsewhere in these regulations or the City Code of Ordinances including:

- A. Standards that apply to particular uses as specified in Article 2, Uses and Supplemental Standards;
- B. Standards adopted for a particular neighborhood area through the application of the Neighborhood Conservation District (NCD) overlay district provisions in Article 10, Overlay District Standards;
- C. Provisions for management of legal nonconforming uses and structures in Article 11, Nonconformities; and
- D. Special exceptions to the yard requirements of this Article, which the Zoning Board of Adjustment is authorized to grant under certain circumstances.

## Division 3.200 Standards for All Buildings Sites and Lots

### SEC. 3.201 CREATION OF BUILDING SITE

No permit shall be issued for the construction of a building or buildings on any tract of land until a building site or lot has been created in one of the following ways:

- A. **Plat Approval and Recordation.** The use shall be part of a plat of record approved by the Planning Commission and filed in the plat records of Galveston County, Texas.
- B. **Site Plan Approval.** The use shall be all or part of a Specific Use Permit or Planned Unit Development site plan approved by the Planning Commission. The use shall be all or part of a site plan approved by the Development Services Department.
  - 1. The site plan shall provide all utility and drainage easements, alleys, streets, and other public improvements necessary to meet the normal requirements for platting including the designation of building areas and dedication of required easements, alleys, and streets.
  - 2. All such required dedications shall be comprehensively completed and any necessary public improvements provided.

- C. **Separate Ownership Prior to These Regulations or Annexation.** The use facing a dedicated street and separately owned prior to the effective date of these regulations, March 4, 2015 or prior to annexation to the City, shall retain separate ownership.
- D. **Combination of Platted Lots.** The use consists of a combination of platted lots created by the adjustment of side lot lines only whereby no increase occurs in the number of originally platted lots within a block nor is there any reduction of platted lots below a minimum lot area or minimum lot dimension required by these regulations. Refacing corner lots shall be permitted provided the change causes no additional cost to the City for rendering of utility services.

### **SEC. 3.202 MULTIPLE PRINCIPAL BUILDINGS ON A BUILDING SITE OR LOT**

Two or more principal buildings or structures may be placed on a single building site or lot subject to the requirements of this Section.

- A. **Site Plan Approval.** The Development Services Department shall approve a site plan for the placement of two or more principal buildings or structures on a single building site or lot to ensure compliance with the Subdivision Regulations. No plat recording shall be required unless a division of ownership occurs commensurate with development.
- B. **Covenant in Lieu of Site Plan Approval.** Two principal structures, other than a mobile home or homes, may be placed on a single building site or lot without Planning Commission approval of a site plan provided that:
  - 1. No other principal structure is placed or erected on the same site or lot to where there are more than two principal structures on the site or lot; and
  - 2. The covenant is executed and recorded.
- C. **Covenant Required in Certain Situations.** Where two or more principal structures on a single use have either more than one street frontage or a combination of street and alley frontage, the City and the property owner of record shall enter into and record a covenant stipulating that a division of property by fee simple may not occur without compliance with all state laws and City ordinances.
- D. **Minimum Separation.** Where two or more principal structures are placed or erected on a single use, the minimum distance between any two buildings shall be determined by applying the side and rear yard requirements of these regulations, as would apply if each building were placed on a separate site or lot.

## **Division 3.300 Lot and Yard Standards**

### **SEC. 3.301 MINIMUM LOT AREA**

Lot area is the square footage contained within the lot lines bounding the lot that shall not include any portions of streets or alleys. Minimum lot area requirements are provided later in this Division for each type of residential dwelling unit by zoning district. General exceptions include:

- A. **Lot Area Reduction.** The minimum lot area may be reduced to 2,500 square feet for any lot that:
  - 1. Abuts a public street in the 1F-3, 1F-4, or GR zoning districts that were in effect prior to the effective date of these regulations; and
  - 2. Is a part of any recorded subdivision prior to January 1, 1971.



## **SEC. 3.302 MINIMUM LOT DIMENSIONS**

Lot width is measured at the front building line. The front building line is parallel or approximately parallel to the front lot line and marks the minimum horizontal distance from the front lot line that a building may be erected. Lot depth is measured as the mean horizontal distance between the front and rear lot lines. Minimum lot width and depth requirements are provided later in this Division for each type of residential dwelling unit by zoning district. General exceptions include:

- A. **Undersized Lots of Record.** A lot having less width or depth than required by this Article and which was an official lot of record prior to the effective date of these regulations may be used for one single-family detached dwelling provided that neither the lot width nor depth is reduced below the minimum standards set forth in this Article.

## **SEC. 3.303 FRONT YARD STANDARDS**

The front yard is an open, unoccupied space on a lot between the front lot line and the front building face and extending between the side lot lines. Minimum front yard requirements are provided by zoning district. This requirement establishes the minimum horizontal distance of the building face from the front lot line. A covered porch, covered terrace, or an accessory building attached to and situated partially or entirely in front of the principal building shall be situated at or behind the building face and shall not occupy area that is required for a front yard. General exceptions to the minimum front yard requirement include:

- A. **Building Line Previously Established.** Where a building line was previously established by a plat or ordinance, and such line requires a greater or lesser front yard setback than is prescribed by these regulations for the district in which the building line is located, the required front yard shall comply with the building line established by previous ordinances or plats.
- B. **Permitted Projections into Required Front Yard.**
  - 1. Eaves and roof extensions: up to 4 feet;
  - 2. Maximum exposure of subsurface structures above surface: up to 40 inches above the average grade of the street curb and parallel to the front lot line or up to 44 inches above the average grade of the front lot line where the abutting street has no curb; and
  - 3. Where no front yard is required: all stairs, eaves, roofs, and similar building extensions shall be located behind the front street right-of-way line or the front lot line.
- C. **Exemption for Stairways and Porches in Certain Situations.** In zoning districts that have minimum front yard requirements, stairways and porches associated with a residential use may project into the required front yard but may not encroach beyond any lot lines if:
  - 1. The building was constructed prior to the adoption of the Flood Insurance Rate Maps (FIRMs) for floodplain regulations (December 31, 1974);
  - 2. The building is being elevated to meet current City floodplain standards with an additional allowance of three feet in elevation; and
  - 3. The porch and stairway projection into the required front yard is limited to the minimum area required to meet elevation standards.
- D. **Flagpoles.** Flagpoles may be located within the minimum required front yard.

- E. **Proximity to Body of Water.** Lots that exceed the zoning district's minimum lot area requirements and if the lot abuts a navigable body of water, accessory structures may be placed in the front yard if a similar development pattern exist on the same block.

### **SEC. 3.304 STANDARDS FOR SINGLE-FAMILY ATTACHED DWELLINGS**

- A. **Live-Work Units.** In the districts where they are permitted, live-work units shall meet the lot, and yard standards set out in the respective districts.
- B. **Special Yard Regulations.**
1. No required side yard subject to maximum length of series of attached dwellings: A single-family attached dwelling separated from another such dwelling by a fire or party wall is not required to provide a side yard, noting that no series of attached single-family dwellings shall exceed 300 feet in length.
  2. Required side yard at end of series of attached dwellings: A minimum required side yard of five feet shall be provided at the ends of a series of single-family attached dwellings. This will also provide a minimum of 10 feet of separation between the ends of adjacent single-family attached dwellings enabling access for fire and emergency vehicles.
  3. No rear yard required in certain situations: No rear yard shall be required where the rear wall of a dwelling is attached to another dwelling provided that at least one side of all such single-family attached dwellings is exposed to a public street or City approved place or court. Additionally, where interior courts are used for access to light and air, such courts shall provide the minimum required open space.

### **SEC. 3.305 STANDARDS FOR ACCESSORY BUILDINGS**

- A. **Minimum Setback.** Accessory structures must meet the following setbacks:
1. 3 feet from the side property lines;
  2. 3 feet from the rear property line or 0 feet to an alley or right-of-way; and
  3. 6 feet from the main structure.

# SINGLE-FAMILY RESIDENTIAL (R-0)

## Notes:

1. A site plan is required prior to the issuance of a building permit.
2. No side or rear yard required when adjacent to a canal or body of water.
3. No projection closer than 12 inches to a common property line. Projections include: roof eaves (up to 36 inches), window sills, belt courses, and other architectural features.
4. Sign, fence, and wall regulations apply.
5. Boat slips, boat docks, shade covers, or decking constructed over water, do not require a setback provided the improvement built over water is part of the platted lot.
6. Accessory buildings are permitted in the rear yard. A 3 foot rear yard and side yard setbacks are required, unless abutting alley or street then no required rear yard setback.
7. Building setback may conflict with Fire Code. Refer to Fire Code to determine final building and fire code setbacks.



## Minimum Lot Standards

<i>Area:</i>	5,000 square feet
<i>Width:</i>	50 feet
<i>Depth:</i>	100 feet

## Setbacks

<i>Front:</i>	20 feet
<i>Side:</i>	3 – 5 feet
<i>Rear:</i>	10 feet

## Building Height

<i>Maximum:</i>	50 feet, measured from base flood elevation
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## Parking

One space per dwelling unit

## Landscaping

Refer to Article 9, Landscaping of the City Land Development Regulations.



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# SINGLE-FAMILY RESIDENTIAL (R-1)

## Notes:

1. A site plan is required prior to the issuance of a building permit.
2. No side or rear yard required when adjacent to a canal or body of water.
3. No projection closer than 12 inches to a common property line. Projections include: roof eaves (up to 36 inches), window sills, belt courses, and other architectural features.
4. Sign, fence, and wall regulations apply.
5. Boat slips, boat docks, shade covers, or decking constructed over water do not require a setback provided the improvement built over water is part of the platted lot.
6. Accessory buildings are permitted in the rear yard. A 3 foot rear yard and side yard setback is required unless abutting alley or street then no required rear yard setback.
7. Unlimited height from the east property line of Stewart Beach and eastward
8. Building setback may conflict with Fire Code refer to Fire Code to determine final building and fire code setbacks.
9. Properties located west of 25<sup>th</sup> St, east of 61<sup>st</sup> Street, South of Broadway Boulevard, north of Seawall Boulevard and properties located South of Galveston Bay, north of Stewart Road, east of 105<sup>th</sup> Street and west of the Scholes Airport - zero front, side and rear bldg. setback; minimum lot area shall be 2,500 sq ft. No lot width or depth requirements. (Ord. 15-029) (Ord. 16-030)



## Minimum Lot Standards\*

Area:	5,000 square feet
Width:	50 feet
Depth:	100 feet

## Setbacks\*

Front:	20 feet
Side:	3 – 5 feet
Rear:	10 feet

## Building Height

Maximum:	50 feet, measured from base flood elevation
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## Parking

One space per dwelling unit

## Landscaping

Refer to Article 9, Landscaping of the City Land Development Regulations.

*\*See note #9 for properties located west of 25<sup>th</sup> Street, east of 61<sup>st</sup> Street, South of Broadway Blvd. and north of Seawall Blvd. and properties located South of Galveston Bay, north of Stewart Road, east of 105<sup>th</sup> Street and west of the Scholes Airport*

# DUPLEX TO EIGHT-PLEX (R-2)

## Notes:

1. A site plan is required prior to the issuance of a building permit.
2. No side or rear yard required when adjacent to a canal or body of water.
3. No projection closer than 12 inches to a common property line. Projections include: roof eaves (up to 36 inches), windowsills, belt courses, and other architectural features.
4. No side or rear yard required when adjacent to an alley or right-of-way.
5. Average Front Yard Setback: Where 30 percent of buildings on one side of a street, on a single block, and are built with 10 feet or less front yard setback, the average setback of the structures shall be the required setback.
6. Accessory buildings are permitted in the rear yard. A 3 foot rear yard setback is required unless abutting alley or street then no required rear yard setback. 60 percent of required rear yard setback area can be occupied by accessory building.
7. Building setback may conflict with Fire Code. Refer to Fire Code to determine final building and fire code setbacks.



## Minimum Lot Standards

<i>Area:</i>	4,000 square feet
<i>Width:</i>	40 feet
<i>Depth:</i>	100 feet

## Setbacks

<i>Front:</i>	20 feet
<i>Side:</i>	3 – 5 feet
<i>Rear:</i>	10 feet

## Building Height

<i>Maximum:</i>	50 feet, measured from base flood elevation
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## Parking

<i>Single Family:</i>	Minimum 1 per unit
<i>Multi-Family:</i>	Minimum 1.5 per unit
<i>Lodging:</i>	Minimum and maximum .75 per unit
<i>Non-Residential:</i>	One per 300 square feet of gross floor area

## Landscaping

Refer to Article 9, Landscaping of the City Land Development Regulations.



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# MULTI-FAMILY RESIDENTIAL (MF)

## Notes:

1. A site plan is required prior to the issuance of a building permit.
2. No side or rear yard required when adjacent to a canal or body of water.
3. No projection closer than 12 inches to a common property line. Projections include: roof eaves (up to 36 inches), window sills, belt courses, and other architectural features.
4. 40 percent of required landscape for multi-family projects shall be placed in front yard setback.
5. Average Front Yard Setback: Where 30 percent of buildings are on one side of a street, on a single block, are built with a 10 feet or less front yard setback, the average setback of the structures shall be the required setback.
6. Accessory buildings are permitted in the rear yard. A 3 foot rear yard setback is required unless abutting alley or street then no required rear yard setback.
7. A 5 foot masonry wall shall be constructed between a multi-family project and an R-1 zone or single-family use.
8. Approved fence materials include: wood, concrete, or wrought iron.
9. Individual side yard increased to 10 feet if abutting an R-1 zone or single-family use.
10. Building setback may conflict with Fire Code. Refer to Fire Code to determine final building and fire code setbacks.



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## Minimum Lot Standards

<i>Area:</i>	4,000 square feet
<i>Width:</i>	40 feet
<i>Depth:</i>	100 feet

## Setbacks

<i>Front:</i>	20 feet
<i>Side:</i>	3 – 5 feet
<i>Rear:</i>	10 feet

## Building Height

<i>Maximum:</i>	100 feet, measured from base flood elevation
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## Parking

<i>Single Family:</i>	Minimum one per unit
<i>Multi-Family:</i>	Minimum 1.5 per unit
<i>odging:</i>	Minimum and maximum .75 per unit
<i>Non-Residential:</i>	One per 300 square feet of gross floor area

## Landscaping

Refer to Article 9, Landscaping of the City Land Development Regulations.



# URBAN NEIGHBORHOOD (UN)

## Notes:

1. A site plan is required prior to the issuance of a building permit.
2. No side or rear yard required when adjacent to a canal or body of water.
3. New buildings shall utilize building elements and details to achieve a pedestrian-oriented public realm.
4. Compatibility is not meant to be achieved through uniformity, but through the use of variations in building elements to achieve individual building identity.
5. Building facades shall include appropriate architectural details and ornament to create variety and interest.
6. All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access. Secondary and service entrances may be located from internal parking areas or alleys.
7. Encroachments: Canopies, signs, awnings, balconies and similar overhangs may encroach over any required setback, build-to-line or the sidewalk as long as the vertical clearance is a minimum of 8 feet. In no case shall an encroachment be located over any side or rear property line.
8. Average Front Yard Setback: Where 30 percent of buildings on one side of a street, on a single block, are built with 10 feet or less front yard setback, the average setback of the structures shall be the required setback.
9. Building setback may conflict with Fire Code. Refer to Fire Code to determine final building and fire code setbacks.

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## Minimum Lot Standards

Area:	2,500 square feet
Width:	0 feet
Depth:	0 feet

## Setbacks

Front-Build-to-Line:	0 – 5 feet
Side:	0 – 5 feet
Rear:	0 – 5 feet

## Building Height

Maximum:	50 feet, measured from base flood elevation
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## Parking:

Residential:	Minimum 0 per unit; Maximum 1.5 per unit
Non-Residential:	Minimum 1 per 1,500 square feet gross floor area
Lodging:	Minimum .75 per unit
Parking Location:	On/Off site

## Landscaping

Refer to Article 9, Landscaping of the City Land Development Regulations.

## 14<sup>th</sup> Street Corridor

The table on Page 3-11 will govern land uses within the  
Parking Structure/Lot Incidental to Main Use = Permitted Use  
Home Based Occupation/Business = Permitted Use

# URBAN NEIGHBORHOOD (UN)

## Notes (cont):

10. Design Standards Applicable to Commercial Structures and Uses.
  - a. Limited Use Standards apply where applicable.
  - b. Commercial uses and structures limited to numbered streets in the UN district.
  - c. Commercial and Mixed Use building facades shall be designed with a distinct base, middle, and top and shall maintain the alignment of horizontal elements along the block.
  - d. Doors or windows forming regular patterns of openings, some accentuated by balconies.
  - e. Primary entrance doors for all buildings shall be facing street facing façades.
  - f. If driveway and/or off-street service loading and unloading access are provided, cross access easements shall be required when adjoining properties are undeveloped.
  - g. There shall be no blank walls greater than 25 feet in width.
  - h. Bed and Breakfast: Maximum number of guest rooms is nine. Maximum length of stay is 28 days. Must be owner or manager occupied.
  - i. Auto Repair and Auto Sales are permitted use on property legally described "ABST 628 Page 122 Lots 8 thru 9 & E 6.33-ft of Lot 10 (2010-1) SW Block 90 Galveston Outlots."
11. Base Flood Elevation.
  - a. Dry Flood Proofing. Dry Flood Proofing may be used to protect the space inside the building below the Base Flood Elevation if the ground floor entrance is not above the base flood elevation. Stairs and ramps may be incorporated inside the building envelop to transition to a higher level. In the case that dry flood proofing is not feasible, exterior stairs and ramps or other impact approaches shall only be permitted. Exterior ramps and stairs when used shall be positioned to minimize the accessibility of the commercial storefront.
  - b. Exterior Ramps and Stairs. If an exterior ramp is required in order to accommodate access to a raised Base Flood Elevation, the ramp shall be oriented perpendicular to the primary facade in order to minimize the visual impact and pedestrian accessibility of the primary facade. If an exterior stair is required to accommodate access to a raised Base Floor Elevation, the steps shall be located towards the primary entrance along the primary facade.
12. Design Standards for Commercial Structures.
  - a. 1<sup>st</sup> Floor Height: 15 feet floor to ceiling
  - b. 2<sup>nd</sup> Floor and Up: 10 feet floor to ceiling
  - c. Build Material: Stone, brick, stucco, shiplap, fibrous cement board imitating wood shiplap
  - d. Door Locations: Primary entrance doors for all buildings shall be facing street.
  - e. Balconies: Required at 2<sup>nd</sup> and 3<sup>rd</sup> floor
  - f. On-site parking: Rear of building, enclosed if on front and access is available
  - g. Fencing: Chain-link prohibited (cyclone)
  - h. Windows: Upper floors shall be a minimum of 20 percent of each upper floor facade measured between 3 feet and 9 feet above each finished floor
  - i. Window Type: Vertical orientation



# URBAN NEIGHBORHOOD (UN)

P = permitted use ; L = limited use ; S = specific use review

## SAN JACINTO NEIGHBORHOOD

East side of 23<sup>rd</sup> Street – West side of 6<sup>th</sup> Street; and,  
North side of Seawall Boulevard - South side of Broadway

### Corner Stores – Permitted Structures:

1128, 1425, 1516 – AVENUE K  
1027, 1301, 1404, 1509, 1528 – AVENUE L  
1201, 1327 – AVENUE M  
1701 – AVENUE M ½  
1728, 1902 – AVENUE N  
1502, 1702, 1828, 1902 – AVENUE O  
2001 – AVENUE O ½  
1212, 1502 – 13<sup>th</sup> STREET  
1104, 1213 – 14<sup>th</sup> STREET  
1104 – 15<sup>th</sup> STREET  
1513, 1515 – 19<sup>th</sup> STREET  
1302, 1502, 1506, 1624, 1801 – 21<sup>st</sup> STREET

### Permitted Commercial Land Use:

Located on 8<sup>th</sup>, 10<sup>th</sup>, 14<sup>th</sup>, and 23<sup>rd</sup> Street

### Corner Store/Commercial Structure Standards:

Gross Floor Area Limited to 2,500 sq. ft.

### Additional Standards:

Surface parking lots permitted on 10<sup>th</sup> Street

## WILLIAMS-BORDEN NEIGHBORHOOD ASSOCIATION

West side of 35<sup>th</sup> Street – East side of 39<sup>th</sup> Street; and,  
South side of Avenue O – North side of Avenue S

### Corner Stores – Permitted Structures:

3827 – AVENUE O  
3627, 3702 – AVENUE R  
3828 – AVENUE S  
2005, 2427 – 35<sup>th</sup> STREET  
1702, 1712, 1713 (also known as 3702 Avenue O 1/2, Rear) –  
37<sup>th</sup> STREET  
1710, 2414 – 39<sup>th</sup> STREET

## KEMPNER PARK NEIGHBORHOOD

West side of 25<sup>th</sup> Street – East side of 39<sup>th</sup> Street; and,  
South side of Avenue O – South side of Avenue S

### Corner Stores – Permitted Structures:

2528, 2602, 2628, 2728, 2892, 2927, 3028, 3228 – AVENUE Q  
3227, 3228, 3307 – AVENUE R  
3201-5 – AVENUE R ½  
Article 3 – District Yard, Lot and Setback Standards  
3128, 3402, 3428, 3501 – AVENUE S  
2102 – 26<sup>th</sup> STREET  
2223, 3230 – 33<sup>rd</sup> STREET  
2005, 2201, 2427, 2500-2550 – 35<sup>th</sup> STREET

Agricultural Land Use	
Agriculture/Urban Farming	P
Residential Land Uses	
Accessory Dwelling Unit	L
Bed and Breakfast	L
Cottage Food	P
Child Care Facility, Residential (Day Care)	L
Community Garden	L
Home Based Occupation	P
Hospital House Establishment	L
Live-Work Unit	L
Personal Care Homes (DADS)	P
Short Term Rental Residential Dwelling	P
Single-Family Attached	L
Single-Family Detached	P
Commercial Land Uses	
Adult Day Care	L
Alcoholic Beverage Sales, Liquor Store or Package	S
Child Care Facility, Day Care (Commercial)	L
Cleaning / laundry pick-up station	L
College / University / Vo-Tech	P
Commercial Amusement/Recreation Indoor	L
Commercial Lodging (Hotel)	S
Library	P
Music Instruction	P
Medical Office / Clinic / Lab	L
Nursery or Greenhouse, Retail	L
Nursing / Convalescent Home	L
Office	L
Personal Fitness or Music Instruction	L
Pet Grooming Services	L
Place of Public/Private Assembly	L
Private Club	S
Professional Services, Instruction or Counseling	L
Public Safety Facility	P
Recreation Indoor	L
Recreation Outdoor	L
Restaurant, No Drive-In / Through	L
Retail - Commercial	P
School: Private	L

# HISTORIC ZONING DISTRICT (HZD)

## Notes:

1. A site plan is required prior to the issuance of a building permit.
2. The following historical districts (as identified in the historical overlay maps) are subject to the provisions set forth in the zoning designation HZD:
  - a. East End Historical District (EEHD)
  - b. Silk Stocking Historical District (SSHD)
  - c. Lost Bayou Historical District (LBHD)
3. No projection closer than 12 inches to a common property line. Projections include: roof eaves (up to 36 inches), window sills, and other architectural features.
4. Sign, fence, and wall regulations apply.
5. Accessory buildings are permitted in the rear yard. A 1 foot rear yard and side yard setbacks are required unless abutting alley or street then no required rear yard setback.
6. Article 2, Section 2.311, Child Facility Residential, shall be permitted only in the Lost Bayou Historical District.
7. Building setback may not conflict with Fire Code. Refer to Fire Code to determine final building setbacks.

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## Minimum Lot Standards

*Area:* 2,500 square feet  
*Width:* 0 feet  
*Depth:* 0 feet

## Setbacks

*Front-Build-to-Line:* 15 feet  
*Side:* 1 foot  
*Rear:* 1 foot

## Building Height

*Maximum:* 50 feet, measured from base flood elevation

## Parking

*Residential:* Minimum one per unit  
*Bed and Breakfast:* One per guest room, two of which may be placed in the street along the front yard  
*Commercial:* One per 1,500 square feet of gross floor area

## Landscaping

Refer to Article 9, Landscaping of the City's Land Development Regulations.

# HISTORIC ZONING DISTRICT (HZD)

## Notes (cont):

8. Commercial land uses in corner stores.
  - a. Commercial activity as permitted for HZDs in corner stores shall be limited to the ground floor.
  - b. Signage for corner stores shall be limited to 20 square feet maximum sign face and 15 foot max height.
  - c. Gross floor area limited to 2,500 square feet
  - d. Commercial land uses in corner stores shall be permitted only at the following addresses:
    - i. 1801, 1806, 1827, 1828 – Avenue L
    - ii. 1203, 1327— Ball / Avenue H
    - iii. 902, 1004, 1501, 1801, 1804 — Broadway / Avenue J
    - iv. 1202, 1301, 1427, 1527, 1602 — Church / Avenue F
    - v. 1327, 1728, 1801, 1802 — Market / Avenue D
    - vi. 902, 927, 1028, 1127, 1201, 1202, 1208 — Postoffice / Avenue E
    - vii. 902, 1728 — Sealy / Avenue I
    - viii. 1602 — Winnie / Avenue G
    - ix. 924 — 10<sup>th</sup> Street
    - x. 303, 305 — 16<sup>th</sup> Street
    - xi. 302 — 17<sup>th</sup> Street
    - xii. 1127 — 18<sup>th</sup> Street
    - xiii. 710, 1206 — 19<sup>th</sup> Street
    - xiv. 1302 — 21<sup>st</sup> Street / Moody
    - xv. 1124 — 25<sup>th</sup> Street / Rosenberg

# TRADITIONAL NEIGHBORHOOD (TN)

## Notes:

1. A site plan is required prior to the issuance of a building permit (phasing developments must include a phasing plan).
2. No side or rear yard required when adjacent to a canal or body of water.
3. No side yard required for end units that face a street, plaza, or park.
4. Minimum tract size 50 acres.
5. Roofs may overhang zoning setback lines.
6. All utilities shall be placed underground.
7. Alternative street designs must meet design standards established by Institute of Transportation Engineers.
8. Zero lot line houses may have one wall, a minimum of 1 foot from the side property line, and no other side wall or minimum of 7 feet from the other side property line, such that each house side wall is a minimum of 8 feet from the adjacent house side wall
9. Utility easements and drainage shall be provided as determined by the City Engineer.
10. Unlimited height from the east property line of Stewart Beach and eastward.
11. Designation Procedure:
  - a. Zoning amendment
  - b. Site Plan, Phasing Plan (staff approval)
  - c. Subdivision Plat
  - d. Appeal to Planning Commission if denied
  - e. Appeal to City Council, if Planning Commission denial.
12. Permitted Uses:
  - a. Carriage houses, max 350 square feet
  - b. Mixed-use buildings
  - c. Private streets
13. Building setback may conflict with Fire Code. Refer to Fire Code to determine final building and fire code setbacks.



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## Minimum Lot Standards

<i>Area:</i>	1,500 square feet
<i>Width:</i>	24 feet; 18 feet for single-family attached
<i>Depth:</i>	0 feet

## Setbacks

<i>Front:</i>	0 feet
<i>Side:</i>	5 feet; 0 feet for single-family attached and commercial
<i>Rear:</i>	10 feet; 0 feet for commercial

## Building Height

<i>Maximum:</i>	60 feet, measured from base flood elevation
<i>Multi-Family:</i>	100 feet, measured from base flood elevation

## Parking

<i>Residential:</i>	One per dwelling unit
<i>Non-Residential:</i>	One per 300 square feet gross floor area
<i>Lodging:</i>	Minimum and maximum .75 per unit

*Required parking may be located Off-Site*

## Landscaping

Refer to Article 9, Landscaping of the City Land Development Regulations.

# COMMERCIAL (C)

## Notes:

1. A site plan is required prior to the issuance of a building permit.
2. No side or rear yard required when adjacent to a body of water or right-of-way.
3. No projection closer than 12 inches to a common property line. Projections include: roof eaves (up to 36 inches) window sills, belt courses, and other architectural features.
4. Sign, fence, and wall regulations apply.
5. Boat slips, boat docks, shade covers, or decking constructed over water do not require a setback provided the improvement built over water is part of the platted lot.
6. One-family attached dwelling units require a 0-foot rear yard setback when abutting another one-family attached dwelling.
7. Accessory buildings are permitted in the rear yard. A 3 foot rear yard setback required, unless abutting alley or street then no required rear yard setback.
8. Unlimited height from the east property line of Stewart Beach and eastward.
9. Building setback may conflict with Fire Code. Refer to Fire Code to determine final building and fire code setbacks.

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### Minimum Lot Standards

Area:	0 square feet
Width:	40 feet
Depth:	100 feet

### Setbacks

Front:	0 – 10 feet; On Broadway (between eastside of 23 <sup>rd</sup> St. and west side of 19 <sup>th</sup> St. and the 2300 to 2600 blocks) a 25 foot to 45 foot build-to-line is required
Side:	5 feet
Rear:	0 feet; 10 feet if development abuts a residential zone

### Building Height

Maximum:	50 feet, measured from base flood elevation
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### Parking\*

Residential:	Minimum 1.5 per unit
Non-Residential:	Minimum 1 per 300 square feet of gross floor area
Lodging:	Minimum .75 per unit
Parking Location:	Rear of building

\* See note #13 for properties located 2600-2700 Block of Market/Avenue D and 2600 block of Mechanic/Avenue C

### Landscaping

Refer to Article 9, Landscaping of the City's Land Development Regulations.

# COMMERCIAL (C)

## Notes (continued):

10. Commercial District Fence Regulations. Maximum height of a fence is 8 feet. Fence must be constructed in a workmanship manner. Horizontal and vertical support posts are inside of the fence area or otherwise hidden from both the neighbor's and public's view. Fences with a shadow-box design shall be considered to hide support posts. No more than two different types of fencing material are permitted. Property owners shall be responsible for the maintenance of the fencing on their property and for removal of any fence if it becomes unsightly or a menace to public safety, health, or welfare. Fences shall be maintained in an upright condition. It shall be the responsibility of the property owner to insure that a fence does not block or obstruct the flow of storm water. Corrosive resistant material required.
11. Broadway Boulevard Design Standards — 6<sup>th</sup> Street to 61<sup>st</sup> Street (Ord. 15-082)
  - a. Cross access easement required. If access provided from Broadway Boulevard, maximum of two curb cuts, maximum curb cut width is 25 feet.
  - b. Vending machines and vending kiosks visible from Broadway Boulevard right-of-way are prohibited.
  - c. Building Materials: exterior new or renovated shall use stucco, brick, either painted or textured wood, concrete, tile, glass block, or cast iron.
  - d. Roof Materials: Spanish roof tiles, standing seam metal, or composition shingle (applies if visible from right-of-way). Repair and maintenance work exempt.
  - e. Vehicle Access: Where alternative access available, access prohibited from Broadway.
  - f. Fencing Prohibited: Fronting on Broadway Boulevard.
  - g. Residential Fencing Maximum Height: 42 inches solid fence; 80 inches open fence design. Barbed wire and chain link prohibited.
  - h. Exceptions to fence regulations: A protective barrier of 30 inches height and located behind a solid landscaped screen. Fences existing on the date this ordinance passed. Parking lots associated with hotel/motel resort developments. Barbed wire and cyclone fences installed prior to the adoption of this ordinance.
  - i. Building Massing and Scale
    1. Integrate new developments with the relevant character, massing, scale and form of buildings on Broadway Boulevard. Building Facades shall be designed with a distinct base, middle, and top. The maximum building height shall not to exceed three stories or 45 feet, whichever is more restrictive.
    2. Corner buildings may exceed the maximum building height by 25% for 20% of the building's frontage along each corresponding street facade.
    3. Featured corner or vista terminating tower elements, tower time clocks and varied height parapet walls at the building facade are permitted and shall be exempt from the height limit so long as they are no taller than 25% of the height of the building.
  - j. Building Orientation
    1. Buildings shall be oriented towards Broadway Boulevard. Primary entrances to buildings shall be located on Broadway Boulevard.



2. Build-to-line – seventy percent (70%) of commercial buildings shall be located at Broadway Boulevard property line.
  3. Build-to-zone – Single Family Residential Structures shall be located within the Build-to-Zone, the build-to-zone shall be the area between the property line abutting the Broadway Ave. right-of-way and a parallel line fifteen feet into the lot from the property line abutting the Broadway Ave. right-of-way.
  4. Side yard setback(s) shall be zero (0) with fire rated walls.
- k. Encroachment(s)
1. Canopies, signs, awnings, balconies and similar overhangs may encroach over any required setbacks or the sidewalk as long as the vertical clearance is a minimum of 8 feet. In no case shall an encroachment be located over an on-street parking or travel lane.
- l. Exterior Ramps and Stairs
1. When required, ramps shall be oriented perpendicular to the primary facade in order to minimize the visual impact and pedestrian accessibility of the primary facade.
  2. Exterior stairs steps shall be located towards the primary entrance along the primary facade and connect with the public sidewalk for ease of pedestrian access.
- m. Grade Changes (*Ord. 17-014*)
1. Maximum grade changes from Broadway to 30-foot setback from property line shall not exceed 30 inches based upon a 6 inch plus 1 in 20 slope up to a maximum rise of 24 feet (see diagram A).
  2. Maximum grade change from side street (north-south streets) to 10-foot setback from property lines shall not exceed 18 inches based upon a 6 inch curb height plus 1 in 20 slope up to a maximum rise of 12 inches (see diagram B).
  3. Additional elevation height changes to comply with minimum flood elevation shall occur with an accessible ramp, stairs or Texas Accessibility Standards (TAS) code approved methods. Refer to façade design guideline section of Broadway Design Guidelines for further requirements for exterior stairs and ramps.
  4. Additional/steeper grade height changes may occur within the property lines outside the stipulated setback areas. Grade changes must comply with TAS.
- n. FEMA Flood Elevation (*Dry-Flood Proofing*)
1. DRY FLOODPROOF – In accordance with 44CFR 60.3 Floodplain Management Criteria for flood prone areas. § (C)(3)(4) non-residential structures will have the lowest floor below the Base Flood Elevation (BFE) dry floodproofed and certified by a registered professional engineer the structure is watertight below the base flood elevation.
  2. ELEVATED – Stairs or ramps (internal or external) may be used to mitigate higher differentials between grade level and the active first floor of an elevated structure. To prevent structures from eliminating the connection to a sidewalk, fenestrations and/or entrances shall be brought down to the pedestrian level. Use of human scaled architectural elements including landscaped berms, stoops, porches, and articulated facades can be incorporated into the structure's design to preserve Broadway's familiar streetscape.
- o. Parking
5. Parking on Broadway Blvd shall not exceed 1 space per 150 sq. ft. of gross floor area.

p. Pedestrian Zone

1. Along all street frontages, sidewalks shall be installed. Broadway – six foot landscape strip/street furniture zone at back of curb with an eight foot wide sidewalk; or a twelve foot sidewalk at back of curb.
2. Along all street frontages – an eight foot wide sidewalk shall be installed at back of curb.
3. Seventy percent (70 %) of the building frontage on shall provide a shaded structure.

q. Service Elements

1. Service elements such as trash dumpsters, utility meters, backflow preventers, electrical, plumbing, mechanical, and communications equipment shall be located away from a street front. All service elements shall be situated and screened from view to the street and adjacent properties.

r. Windows and Spacing

1. At the first story, facades along a frontage line shall have frequent windows glazed with clear glass no less than seventy percent (70%) of the corresponding street level facade. Window openings above the base facade segment must be at least 20% of each corresponding street frontage facade.
2. There shall be no blank walls greater than 10 feet in width along any street frontage facade.
3. Subdivide large areas of glazing with 8 inch wide walls or frames to complement and express the architecture of the building.
4. Mirror, tinted, and reflective windows are prohibited.

s. Auto-Related Businesses (*Between 19<sup>th</sup> Street and 65<sup>th</sup> Street*)

1. All auto-oriented businesses, including low speed vehicles, (golf carts, recreational vehicles) shall operate (including display) within an enclosed structure.

12. Seawall Boulevard Design Standards (South Jetty east to Condo Road; Condo Road west to 39<sup>th</sup> Street; 39<sup>th</sup> Street west to 61<sup>st</sup> Street; 61<sup>st</sup> Street west to Cove View Boulevard).

- a. Fencing: Prohibited within area between the north right-of-way line of Seawall Boulevard and south façade of building.
- b. Residential Fencing Maximum Height: 42 inches solid fence; 60 inches open fence design.
- c. Vending Machines: attached to permanent structure, meet setbacks, proper ventilation (i.e. phones, ice machines, water, soft drinks, etc.)
- d. Buffering/Screening between commercial/lodging uses and residential zones and uses: A 4 foot wide landscaped strip and a 5 foot solid wall or fence along all common property lines including rear property

13. No Parking Requirement for properties located on the 2700 block of Market (Avenue D), lots north on Market (Avenue D) between 27<sup>th</sup> Street and 26<sup>th</sup> Street and lots on the 2600 block of Mechanic (Avenue C). (Ord. 16-037)



Diagram A:

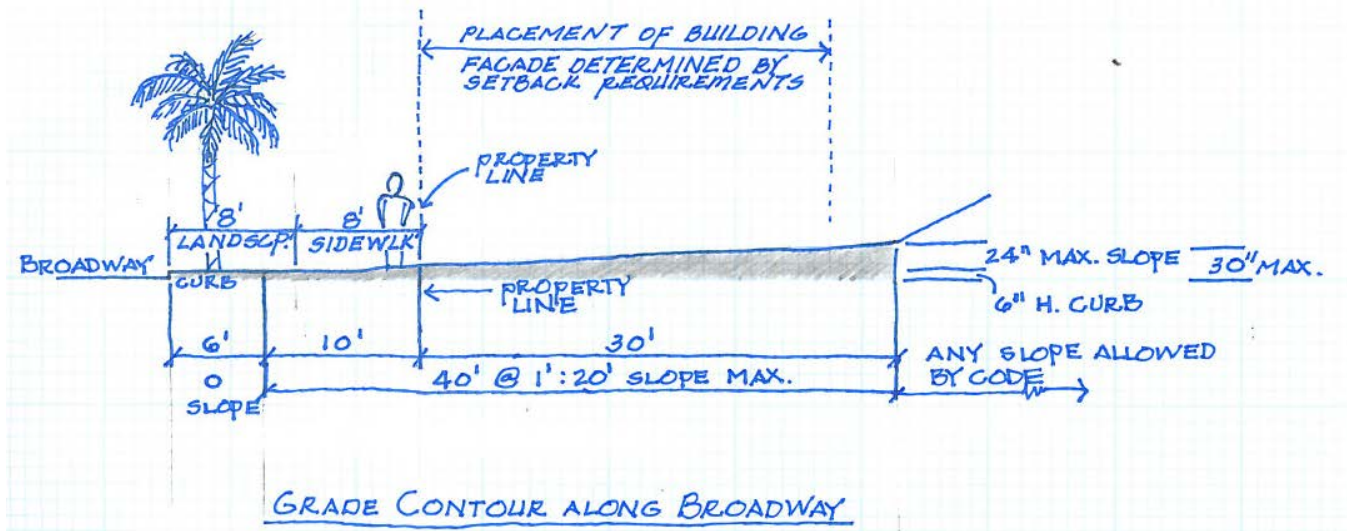
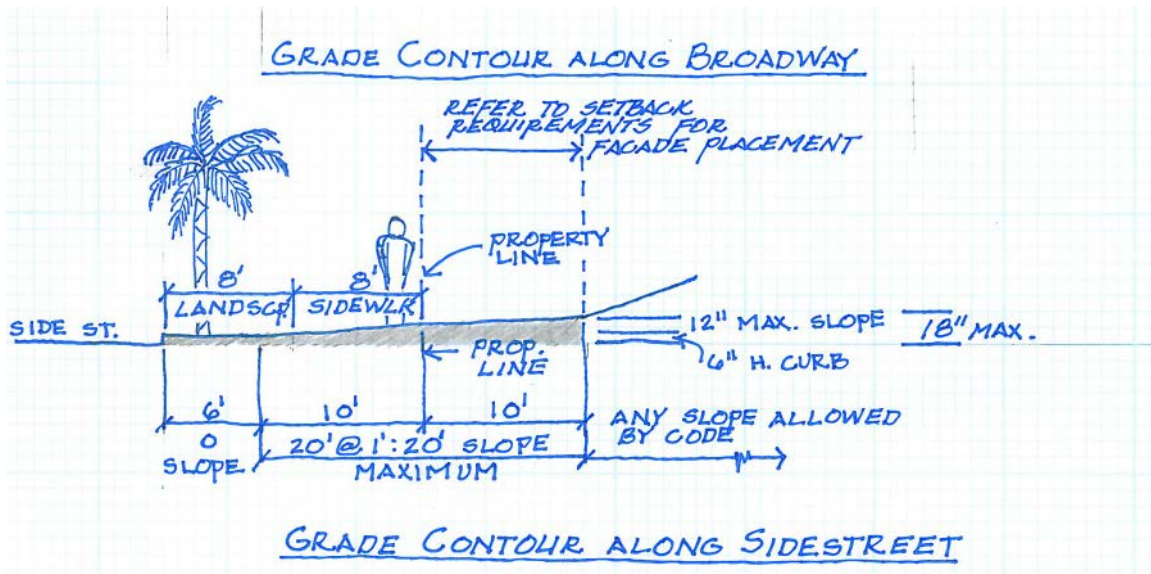


Diagram B:



# CENTRAL BUSINESS DISTRICT (CBD)

## Notes:

1. A site plan is required prior to the issuance of a building permit.

2. **Base Flood Elevation.**

Dry floodproofing may be used to protect the space inside the building below the Minimum Floor Elevation if the ground floor entrance is not above the base flood elevation. Stairs and ramps may be incorporated inside the building envelope to transition to a higher level. In the case that dry floodproofing is not feasible, only exterior stairs and ramps or other approaches shall be permitted. Exterior ramps and stairs when used shall be positioned to minimize the impact and accessibility of the commercial storefront.

3. **Fence Screening.**

When a commercial use abuts a residential zone or use, 5-foot, solid concrete or wood material wall shall be installed along common property lines to screen the commercial use from the residential use or zone.

4. **Alcohol Sales Regulations.**

Within the CB, a special character area shall be established between 21<sup>st</sup> and 23<sup>rd</sup> street, approximately 160 feet north and south of the centerline of Postoffice Street. Bars and nightclubs are prohibited land uses. Alcohol sales incidental to operation of a restaurant are permitted.

5. Building setbacks may conflict with Fire Code. Refer to Fire Code to determine final building and fire code setbacks.



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## Minimum Lot Standards

*Area:* 3,000 square feet  
*Width:* 0 feet  
*Depth:* 0 feet

## Setbacks

*Front:* 0 feet  
*Side:* 0 feet  
*Rear:* 0 feet

## Building Height

*Maximum:* None

## Parking

*Not required*

## Landscaping

Refer to Article 9, Landscaping of the City's Land Development Regulations.

# RESORT-RECREATION (RES/REC)

## Notes:

1. A site plan is required prior to the issuance of a building permit.
2. No side or rear yard adjacent to a canal or body of water.
3. Side yard may be reduced to 3 feet with appropriate fire rated wall.
4. If property fronts Seawall Boulevard, 0—10 feet, build-to-line, flag shaped lots exempt from this provision
5. Unlimited height from the east property line of Stewart Beach and eastward.
6. Lots on Southside of Seawall Boulevard, 0 foot setback on Gulf of Mexico side of lot.
7. The following properties are exempt from the building height regulations:
  - a. ABST 628 M Menard SUR PT of Lots 2,13 &14 (8-0) Block 125 & PT of Lots 7 & 8, Block 126 & ADJ ABND Alley & Streets
  - b. ABST 628 M Menard SUR PT of Lots 2 thru 4 & 8 Thru 13 (8-1) Block 125 & Adj ABND Alley and Streets
  - c. ABST 628 M Menard SUR PT of Lots 6,7, & Part of Lots 4, 5, & 8 Thru 11 (6-) Block 125 & ADJ ABND Alley & Streets
8. Building setback may conflict with Fire Code. Refer to Fire Code to determine final building and fire code setbacks.



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## Minimum Lot Standards

<i>Area:</i>	4,000 square feet
<i>Width:</i>	40 feet
<i>Depth:</i>	50 feet

## Setbacks

<i>Front:</i>	0 – 10 feet
<i>Side:</i>	5 feet
<i>Rear:</i>	10 feet

## Building Height

<i>Maximum:</i>	120 feet, measured from base flood elevation
-----------------	--

## Parking

<i>Residential:</i>	Minimum one per unit
<i>Non-Residential:</i>	One per 300 square feet of gross floor area
<i>Lodging:</i>	Minimum and maximum .75 per unit

## Landscaping

Refer to Article 9, Landscaping of the City Land Development Regulations.

# LIGHT INDUSTRIAL (LI)

## Notes:

1. A site plan is required prior to the issuance of a building permit.
2. No side or rear yard required when adjacent to a canal or body of water.
3. Bulk fuel or oil storage shall be located 300 feet from any residential land use or commercial district.
4. Building setback may conflict with Fire Code. Refer to Fire Code to determine final building and fire code setbacks.



### Minimum Lot Standards

*Area:* 0 square feet  
*Width:* 0 feet  
*Depth:* 0 feet

### Setbacks

*Front:* 0 feet  
*Side:* 0 feet  
*Rear:* 0 feet

### Building Height

*Maximum:* None

### Parking

One space per every four employees

### Landscaping

Refer to Article 9, Landscaping of the City Land Development Regulations.



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# HEAVY INDUSTRIAL (HI)

## Notes:

1. A site plan is required prior to the issuance of a building permit.
2. No side or rear yard required when adjacent to a canal or body of water.
3. Bulk fuel or oil storage shall be located 300-feet from the property line or zoning district boundary of any residential land use or commercial district.
4. Building setbacks may conflict with Fire Code. Refer to Fire Code to determine final building and fire code setbacks.



### Minimum Lot Standards

Area:	0 square feet
Width:	0 feet
Depth:	0 feet

### Setbacks

Front:	0 feet
Side:	0 feet
Rear:	0 feet

### Building Height

Maximum: None

### Parking

One space per every four employees

### Landscaping

Refer to Article 9, Landscaping of the City's Land Development Regulations.



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# ARTICLE 4. PLANNED UNIT DEVELOPMENT (PUD) OVERLAY ZONING DISTRICTS

## Division 4.100 PLANNED UNIT DEVELOPMENTS

The Planned Unit Development (PUD) Overlay District is a special overlay zone that allows flexibility in development standards that are approved for specific uses on a specific site. Any deviations for the standards established in these regulations must be incorporated into a PUD plan and an ordinance amending the zoning. The PUD plan shall be reviewed by the Planning Commission and approved by the City Council.

### SEC. 4.101 PLANNED UNIT DEVELOPMENTS

This Section establishes procedures and requirements of a PUD District. PUDs may be established in any location and may include more than one base zoning district.

### SEC. 4.102 GENERAL PROVISIONS

- A. **Compatibility with Base Zoning District.** A PUD is designed to be used in conjunction with a designated base zoning district. Use standards and requirements of the specified base district shall apply unless specifically superseded by the standards and requirements of the PUD Development Plan.
- B. **Compliance with Applicable City Codes.** The granting of a PUD zoning district shall not relieve the developer from complying with all other applicable sections of this Code and other Codes and Ordinances of the City unless such relief is specified in the approved PUD plan and PUD ordinance.
- C. **Plan Required.** An application for the establishment of a PUD zoning district shall be accompanied by a PUD plan that meets the requirements of this Section. The PUD plan shall become a part of the PUD ordinance if approved by the City Council.
- D. **Development Plan**
  - 1. Development requirements for the PUD ordinance shall be set forth in the PUD Plan and the PUD ordinance and shall include:
    - a. The purpose and intent of the PUD;
    - b. PUD land uses;
    - c. Density;
    - d. Building height;
    - e. Building setbacks;
    - f. Limits of construction;
    - g. Building elevations;
    - h. Vehicular parking;
    - i. Pedestrian access;
    - j. Streets and circulation;

- k. Screening and landscaping;
  - l. Environmental protection;
  - m. Signage;
  - n. Lighting;
  - o. Phasing or scheduling; and
  - p. Any other requirements of these regulations or as the City Council may deem appropriate.
2. The application shall specify the extent to which deviation from otherwise applicable Code requirements is justified by unique characteristics of the site or other exceptional circumstances.
  3. The following information shall be shown on the PUD Plan in a legible schematic form with a reduced, reproducible print of the approved drawing suitable for duplication as an exhibit to the PUD ordinance:
    - a. Proposed land uses including uses to be prohibited per base district;
    - b. Existing natural features such as drainage ways, one-hundred year floodplain (if applicable), and existing topography at two-foot contour intervals;
    - c. Location of proposed buildings, building envelopes or building setbacks;
    - d. A tabulation of proposed dwelling unit density in residential areas;
    - e. A tabulation of proposed floor area ratios and maximum heights of proposed buildings;
    - f. Proposed circulation systems, including preliminary street cross-sections;
    - g. Proposed public parks, greenbelts, and other open space;
    - h. Proposed public facilities, i.e. school sites, fire station, etc.;
    - i. Location and type of proposed landscaping including existing landscaping;
    - j. Public Access;
    - k. Proposed easements;
    - l. Proposed trail networks;
    - m. Identification of environmentally sensitive areas; and
    - n. Transit network and/or stops.
  4. Revisions to the adopted PUD Plan shall require an amendment to the PUD ordinance.
    - a. Minor amendment to PUD plan: Minor additions and modifications to the approved PUD plans, meeting the criteria below, may be approved by the Development Services Department:
      - i. Minor additions to structures, with a floor area no larger than 10 percent of the existing floor area of the main floor, not to exceed 5,000 square feet, and provided that overall density of the project does not increase.



- ii. Minor new accessory structures if the location does not interfere with existing site layout (e.g., circulation, parking, loading, storm water management facilities, open space, landscaping, or buffering).
  - iii. Minor additions to parking lots comprising no more than 10 percent of the original number of parking spaces required, not to exceed 25 spaces.
  - iv. Clearing or grading that does not exceed 5,000 square feet in area or 10 percent of the site.
  - v. The development plan is a subdivision concept plan. Approval of a development plan shall also constitute approval of a concept plan for subdivision purposes.
- b. All other changes shall require approval in the same process first used for adoption. All changes of use from those approved in the original PUD plan shall require City Council approval.

#### **SEC. 4.103 PUD INFRASTRUCTURE STANDARDS**

- A. **Streets and Sidewalks.** Streets within a PUD may be public or private. Private driveways may provide internal circulation. Private driveways shall meet the 2009 Fire Code standards. The Planning Commission may require dedication and construction of private streets through a PUD.
- B. **Utilities.** Water and sanitary sewer systems within a PUD may be publicly or privately owned. For privately owned systems, maintenance and operation is the responsibility of the PUD homeowners' association.
- C. **Easements.** Publicly owned or maintained utilities shall be placed in public streets or easements are a minimum of 16 feet in width unless a narrower width is approved by the utility.
- D. **PUD Garbage Collection.** The city manager shall have the right to refuse service because of the impossibility or impracticability for any premise within the city. If the city manager refuses service, the customer shall be exempt from the garbage and trash fee established by section 15-21 of the City Code.
- E. **PUD Common Area and Facilities.** Provisions shall be made for a property owners' association that is designated as the representative of the owners of property in a residential subdivision. The owners' association shall have the direct responsibility to provide for the maintenance and operation of the subdivision. The applicant shall submit the dedicatory instrument(s) covering the establishment, maintenance, and operation of a residential subdivision. The dedicatory instrument(s) shall establish a plan for the use and permanent maintenance of the common areas/facilities and demonstrate that the property owners' association is self-perpetuating and adequately funded by regular assessment and/or special assessment to accomplish its purposes. The dedicatory instrument(s) shall include provisions that provide the city with permission for access at any time without liability when on official business and further, to permit the city to remove obstructions if necessary for emergency vehicle access and assess the cost of removal to the owner of the obstruction. The dedicatory instrument(s) must be approved by the city attorney as to legal form prior to any plat recordation and shall be recorded at the same time as the plat.

#### **SEC 4.104 PUD COMPLIANCE AND ENFORCEMENT**

- A. It shall be unlawful for any person to begin, continue, or complete any development on any land within the territorial jurisdiction of the City to which the provisions of this Article applies, except in accordance with and upon compliance with the provisions of this Article.
- B. The City shall not issue a Building Permit or Certificate of Occupancy required by these regulations for any land located within the corporate limits to which this Article applies until and unless there is compliance with this Article.
- C. The City may refuse to authorize or make utility connections on the grounds set forth in Tex. Loc. Gov't. Code § 212.012, as amended.
- D. No improvements shall be initiated until the approval of the City has been given. Disapproval of a final plat by the City shall be deemed a refusal by the City to accept offered dedications shown thereon. Approval of a final plat shall not be deemed an acceptance of the proposed dedications and shall not impose any duty upon the City concerning the maintenance or improvement of any such dedicated parts until written acceptance of the improvements has been given and the proposed dedications or improvements have actually been appropriated by entry, use, or improvements.

# ARTICLE 5. SIGNS (ORD. 16-070)

## DIVISION 5.100 PURPOSE AND APPLICABILITY

### SEC. 5.101 TITLE

This Article is cited as the Sign Regulations.

### SEC. 5.102 PURPOSE

- A. This Article regulates the construction, erection, or establishment of signs in order to:
  - 1. Allow signs that provide speech and opinions, information, and direction;
  - 2. Accommodate the needs of business and industry;
  - 3. Complement the character of the zoning districts' land uses;
  - 4. Preserve the character of residential neighborhoods;
  - 5. Preserve order and cleanliness;
  - 6. Reduce the traffic hazard caused by distractions to motorists and impairment of sight lines;
  - 7. Limit administrative burdens;
  - 8. Protect the health, safety, welfare, morals, convenience and comfort of the public; and
  - 9. Implement the *City of Galveston 2011 Comprehensive Plan* and any adopted neighborhood or special area plans.
- B. This Section regulates only the sign structure or copy design, not the sign's content. The city finds that the type, size, dimensions, setbacks, and physical design of signs permitted by this Article protect the city's interests in traffic safety, community character, and aesthetics, while allowing adequate visibility, conspicuity, legibility, readability, and pedestrian or motorist reaction time for signs.

### SEC. 5.103 APPLICABILITY

- A. **Limited Use Standards.** This Article applies to any sign, as defined in Division 5.200 of this Article.
- B. **Geographic Area.** This Article applies within the municipal boundaries of the City. This Article also applies to off-premise signs within the City's ETJ as provided in Chapter 216 of the Texas Local Government Code.
- C. **Prohibitions.**
  - 1. It is unlawful for any person to erect, operate, or otherwise use any sign at a time, place, or manner that is prohibited by this Article.
  - 2. It is unlawful for any person to erect, operate, or otherwise use any sign without first obtaining an approved sign permit.
- D. **Compliance with State or Federal Law.** In the event of a conflict between this Article and state or federal law, the state or federal law prevails.

## **SEC. 5.104 MESSAGE NEUTRALITY**

Notwithstanding any other provision of this Article, no sign is subject to any limitation based on the content of the message contained on the sign. Any sign authorized in these regulations may contain any non-commercial copy in lieu of any other copy.

## **SEC. 5.105 EXCEPTIONS**

- A. **Limited Use Standards.** Owners of signs, which do not strictly comply with the terms of this chapter, may seek an approval as a variance from the Zoning Board of Adjustment. In certain instances, applicants may wish to request a sign variance to obtain relief from the requirements of the Zoning Ordinances' sign regulations; however, a variance may not be granted to increase the number of permitted sign types. Sign variances related to sign area and height is limited to a 5 percent increase in area or height; any increase above 5 percent shall be considered a legislative act. Sign variances should only be granted when there is a hardship related to the character of the property.
- B. **Proof of Permitting.** The following signs do not require an approved sign permit provided they meet the sign standards provided herein.
1. Re-facing of an existing sign provided no increase occurs with respect to either the area of any such sign or the manner in which it is structurally supported;
  2. Vehicle sign;
  3. Name plates;
  4. Symbolic flags (national, state, political subdivisions, etc.) and business or institutional flags not to exceed one business flag per establishment pursuant to:
    - a. Maximum of three flagpoles per lot with two flags per pole;
  5. Weather or bait flags;
  6. Real estate signs;
  7. Window signs;
  8. Temporary decorative flags and bunting for convention and commemorations;
  9. Warning or security signs;
  10. Directional signs on-site;
  11. Traffic directional or informational signs erected by a government agency;
  12. Political sign (per state law);
  13. Political campaign sign (per Campaign Election Code);
  14. A-Frame or sandwich board sign on private property;
  15. Government signs on public property;
  16. Murals or art representation provided it meets the criteria listed in §5.411;
  17. Signage related to special events as defined by Article II, Section 6 of the Galveston City Code; however this exception does not include private businesses that have temporary signage for sales and promotional events during a special event which requires a temporary sign permit; and,

18. Beach vendors that do not set up permanently shall be exempt from the sign regulations contained herein provided that no sign displayed exceeds 20 sq. ft. For the purpose of this provision, “permanently” means vendors that remain stationary for more than 24 hours.

## SEC. 5.106 SIGNS IN HISTORIC DISTRICTS, NEIGHBORHOOD CONSERVATION DISTRICTS, AND PRESERVATION OF HISTORIC SIGNAGE

- A. **Limited Use Standards.** All signs within a designated HZD or NCD Districts shall conform to the *Design Standards for Historic Properties* or appropriate Neighborhood Conservation Plan and if applicable, must obtain a permit prior to installation.
- B. Permits for approved signs must be obtained from the Development Services Department.
- C. Existing historic signage as determined by the Historic Preservation Officer (HPO) shall be preserved.
1. Historically significant painted wall signs shall be retained when possible.
  2. Mounted signs announcing the name of a business no longer in existence at the sign's location and having historical significance may be salvaged and relocated.
  3. Historic signage shall not be calculated as part of the overall signage permitted pursuant to Article 5 of these Land Development Regulations.
  4. Historically significant signs shall be exempt from compliance with Section 5.303, Sign Maintenance, subsection A. 4.

## SEC 5.107 SIGNS IN COMMERCIAL (C), HEAVY INDUSTRIAL (HI), AND LIGHT INDUSTRIAL (LI) DISTRICTS

Table 5.107 Signs in Commercial (C), Heavy Industrial (HI), and Light Industrial (LI) Districts						
Sign type	Max. # of signs	Max. Square foot area	Max. height	Placement	Illumination	Standard
Attached Signs.						
<ol style="list-style-type: none"> <li>1. Limited to 3 attached sign types per business.</li> <li>2. Not to exceed 500 cumulative square feet sign area.</li> </ol>						
Flat/Wall sign/ Canopy	4	200 square feet	n/a	Facing a street right-of-way	Internal, External,	Cumulative area calculated for all signs. (Sec 5.422)
Under-Canopy	1	24 square feet	n/a	n/a	Internal, External,	Minimum 7.5 feet clearance above grade. (Sec 5.418)
Projecting	1	200 square feet	n/a	On site, may extend over right-of-way	Internal, External,	May project up to 4 feet from building. (Sec 5.413)

Sign type	Max. # of signs	Max. Square foot area	Max. height	Placement	Illumination	Standard
Marquee	1 per street frontage	200 square feet	n/a	On site, may extend over right-of-way	Internal, External,	(Sec 5.410)
Directional (off-site)	2 per business	4 square feet (1'x4')	8 feet	Within 1000 feet as wall sign	None	(Sec 5.408)
<p align="center"><b>Detached Signs.</b></p> <p>1. Limited to 1 Monument, Pylon or Pole sign type per site. If site has two street frontages, a least one sign must be monument.  2. Properties east of 59th Street, north of Seawall Boulevard, south of Harborside Drive to and Including Ferry Road are limited to monument only (Sec. 5.404).</p>						
Pole	1 per street frontage.	200 square feet	50 feet	On site	Internal, External,	Along Broadway/I-45 from base of Causeway to west of 59 <sup>th</sup> Street and/or adjacent to elevated roadways.
Monument	1 per street frontage.	200 square feet	12 feet	On site	Internal, External,	Sign base width measures at least 75 percent of the width of the sign.
Pylon	1 per street frontage.	200 square feet	20 feet	On site	Internal, External,	Sign base measures less than 75 percent of the width of the sign, but not less than 25 percent.
Directional (on-site)	<u>n/a</u>	6 square feet	8 feet	On site	Internal, External	Giving directions to motorists regarding parking and access drives.
Directional (off-site)	2 per business	4 square feet (1'x4')	8 feet	Within 1,000 feet	External Internal	(Sec 5.408)
A Frame, Sandwich Board or Easel	1 per site	6 square feet	4 feet	On site	None	Displayed during business hours only. Wood, aluminum or metal only. Free of attachments.

## SEC 5.108 SIGNS IN RESORT/RECREATION (RES/REC) DISTRICT

<p>Table 5.108</p> <p>Signs in Resort/Recreation (Res/Rec) District</p>						
Sign type	Max. # of signs	Max. Square foot area	Max. height	Placement	Illumination	Standard
<p>Attached Signs.</p> <ol style="list-style-type: none"> <li>Limited to 3 attached sign types per business.</li> <li>Not to exceed 324 cumulative square feet sign area.</li> </ol>						
Flat/Wall sign/Canopy	4	100 square feet	n/a	Facing a street right-of-way	Internal, External,	Cumulative area calculated for all signs. (Sec 5.422)
Under-Canopy	1	24 square feet	n/a	n/a	Internal, External,	Minimum 7.5 feet clearance above grade. (Sec 5.418)
Projecting	1	48 square feet	n/a	On site, may extend over right-of-way	Internal, External,	May project up to 4 feet from building. (Sec 5.413)
Marquee	1 per street frontage	100 square feet	n/a	On site, may extend over right-of-way	Internal, External	(Sec 5.410)
<p>Detached Signs.</p> <ol style="list-style-type: none"> <li>Limited to 1 Monument, Pylon or Pole sign type per site. If site has two street frontages, a least one sign must be monument.</li> <li>Properties east of 59th Street, north of Seawall Boulevard, south of Harborside Drive to and Including Ferry Road are limited to monument only (Sec. 5.404).</li> </ol>						
Pole	1 per street frontage.	200 square feet	50 feet	On site	Internal, External,	Along Broadway/I-45 from base of Causeway to west of 59 <sup>th</sup> Street and/or adjacent to elevated roadways.
Monument	1 per street frontage.	200 square feet	12 feet	On site	Internal, External,	Sign base width measures at least 75 percent of the width of the sign.
Pylon	1 per street frontage.	200 square feet	20 feet	On site	Internal, External,	Sign base measures less than 75 percent of the width of the sign, but not less than 25 percent.

Sign type	Max. # of signs	Max. Square foot area	Max. height	Placement	Illumination	Standard
Directional (on-site)	n/a	6 square feet	8 feet	On Site	Internal, External	Giving directions to motorists regarding parking and access drives.
Directional (off-site)	2 per business	4 square feet (1'x4')	8 feet	Within 1,000'	External	(Sec 5.408)
A Frame, Sandwich Board or Easel	1 per site	6 square feet	4 feet	On site	None	Displayed during business hours only. Wood, aluminum or metal only. Free of any attachments.

### SEC 5.109 SIGNS IN CENTRAL BUSINESS (CB), URBAN NEIGHBORHOOD (UN) AND TRADITIONAL NEIGHBORHOOD (TN) DISTRICTS

Table 5.109 Signs in Central Business (CB), Urban Neighborhood (UN) and Traditional Neighborhood (TN) Districts						
Sign type	Max. # of signs	Max. Square foot area	Max. height	Placement	Illumination	Standard
<b>Attached Signs.</b> <ol style="list-style-type: none"> <li>Internal illumination limited to one sign type.</li> <li>Single Tenant Properties location in the Central Business (CB) District with a minimum square footage of 10,000, shall be subject to Section 5.107 Signs in Commercial (C), Heavy Industrial (HI), and Light Industrial (LI) Districts. For those properties located within the Strand/Mechanic Historic District, any signage over the allotments in Section 5.109 shall be subject to review and approval by the Landmark Commission. (ORD. 18-025)</li> </ol>						
Flat/Wall sign/Canopy	1	20 square feet  40 square feet (UN only)	n/a	Facing a street right-of-way	External	(Sec 5.422)
Under-Canopy	1	24 square feet	n/a	n/a	External	Minimum 7.5 feet clearance above grade. (Sec 5.418)
Projecting	1	48 square feet	n/a	On site, may extend over right-of-way	External	May project up to 4 feet from building. (Sec 5.413)
<b>Detached Signs</b> <ol style="list-style-type: none"> <li>Properties east of 59th Street, north of Seawall Boulevard, south of Harborside Drive to and including Ferry Road are limited to monument only (Sec. 5.404).</li> </ol>						



Monument	1 per street frontage.	200 square feet	12 feet	On site	Internal, External	Sign base width measures at least 75 percent of the width of the sign.
Sign type	Max. # of signs	Max. Square foot area	Max. height	Placement	Illumination	Standard
Subdivision	2 per intersection	150 square feet	12 feet	Reserve area	Internal, External	(Sec 5.415)
Directional (on-site)	n/a	6 square feet	8 feet	On site	Internal, external	Giving directions to motorists regarding parking and access drives
A Frame, Sandwich Board or Easel	1 per site	6 square feet	4 feet	On site	None	Displayed during business hours only. Wood, aluminum or metal only. Free of attachments.

**SEC 5.110 SIGNS IN RESIDENTIAL SINGLE FAMILY (R-1), RESIDENTIAL GENERAL DUPLEX (R-2), RESIDENTIAL MULTIFAMILY (MF), AND HISTORIC ZONING (HZD) DISTRICTS**

Table 5.110 Signs in Residential Single Family (R-1), Residential General Duplex (R-2), Residential Multifamily (MF), and Historic Zoning (HZD) Districts						
Sign type	Max. # of signs	Max. Square foot area	Max. height	Placement	Illumination	Standard
<b>Attached Signs</b>						
1. Signage for corner stores within HZD shall be limited to 20 square feet maximum sign face and 15-foot max height.						
Name Plate	1	2 square feet	n/a	Street frontage	External	Not to exceed 2 square feet
<b>Detached Signs</b>						
Subdivision	2 per intersection	150 square feet	12 feet	Reserve area	Internal, External	(Sec 5.415)

## DIVISION 5.200 DEFINITIONS RELATED TO SIGN REGULATION

### SEC. 5.201 SIGN DEFINITIONS

1.     **Advertising**     Any sign, other than owner-identification sign that directs attention to a business; commodity; or service inclusive of pennants, banners, and streamers.
2.     **Attached**        A sign that is attached to a building wall, false wall, false roof, or other facade surface.
3.     **Awning**          A sign painted on, attached to, or constructed on a canopy or awning.
4.     **Back-to-Back**     A sign with directly opposite sign faces oriented in opposite directions, where both sides are not legible at the same time from any part of the street right-of-way. The maximum permitted angle of a back-to-back sign shall not exceed 30 degrees. A back-to-back sign constitutes one sign for purposes of this Article.
5.     **Banner (building)**   Any sign of lightweight fabric or similar material attached to a building and where the banner lies flat against the building surface at all times.
6.     **Banner (horizontal)**   Any sign of lightweight fabric or similar material attached at the top and bottom corner strung between buildings, poles, and/or light standards.
7.     **Banner (vertical)**   Any sign of lightweight fabric or similar material attached at the top and bottom to a pole or light standards by extensions from the pole.
8.     **Canopy**          A sign painted on, attached to, or constructed on a canopy or awning.
9.     **Digital**          A sign that displays moving images that are controlled by electronic communications, which allows the images to be turned on or off intermittently. A Digital Sign includes any illuminated sign on which the illumination is not kept stationary or constant in intensity and color when the sign is in use including any light emitting diode (LED) or digital panel and which varies in color or intensity. In the sign industry, digital signs are also referred to as dynamic signs, changeable electronic variable message signs (CEVMS), and electronic message centers (EMCs).
10.    **Directional, Off-Site**   An off-premise sign indicating the location of or directions to a business, church, community event, park, school, or other place of public assembly. The sign shall not include any information or message except the name of the business or activity or symbols or logos of the business and must have an arrow indicating the direction to the business or activity.
11.    **Directional, On-Site**   A sign located on the same premises as the business, giving directions to motorists regarding the location of parking areas and access drives within a development.

12.     **Double-Faced**     A double-faced sign means two adjacent signs on a single structure or separate structures with both sign faces oriented in the same direction and not more than 10 feet apart at the nearest point between the two sign faces. A double-faced sign may be referred to as a side-by-side or stacked sign. A double-faced sign constitutes one sign for purposes of this Article.
13.     **Electronic**     A sign, display, or device that has a static message or copy that can be changed by programmable mechanical or electronic processes. An electronic sign does not include the use of flashing, intermittent, or moving light for the purposes of these regulations.
14.     **Flag**     A “flag sign” means any flag (other than a national or state flag) that is mounted on a pole, post, or other structure and that is used for advertising including any flag that contains or displays any written message, business name, pictorial representation, logo, corporate symbol, silhouette, or other visual representation identifying or advertising a particular business, good, service, or merchandise sold or available for sale on the premises where the flag is erected, displayed, or maintained. For purposes of this subsection, a “flag” means a piece of material or fabric, usually rectangular or triangular.
15.     **Flat**     Any sign, erected flush against an exterior wall, supported by the wall, and having the sign face parallel to the wall or painted directly onto a wall and does not extend more than 18 inches from a building surface.
16.     **Government**     A sign erected by government agencies or utilities, including traffic, utility, safety and identification signs for public facilities. Signs may be placed in the right-of-way.
17.     **Halo Lit**     A sign illuminated by concealing the light source behind three-dimensional opaque letters, numbers, or other characters of a sign, resulting in the nighttime perception of a halo around the silhouette of each sign character. This is also referred to as "reverse channel" or "reverse lit" illumination. A Halo Lit sign is not considered an internally illuminated sign.
18.     **Illuminated**     An artificial light source incorporated internally or externally to emanate light from or direct light to a sign’s surface. Light sources may include exposed tubing, electrical bulbs, fluorescent lights, neon tubes, light emitting diodes (LED), liquid crystal displays (LCD), or other artificial sources of light. Any decorative lighting that is used expressly to advertise is considered Illumination.
19.     **Inflatable**     Any object enlarged or inflated which floats, is tethered in the air, is activated by air or moving gas, or is located on the ground or on a building with or without a copy or other graphic.
20.     **Kite**     In general: A kite is a light framed object made with or covered with thin material, (typically cloth, paper or plastic), flown in the wind/air at the end of a long string.
21.     **Marquee**     A Sign affixed to a projecting structure which is attached to the exterior

facade of a building above the building's entrance.

22. **Monument** A freestanding sign, the entire bottom of which is attached directly to the ground or is supported by a sign structure that is a base whose width measures at least 75% of the width of the sign that is placed or anchored on the ground.
23. **Mural** Art representation executed directly on a wall that is expressed in a form and manner as to provide aesthetic enjoyment for the viewer rather than to specifically convey the name of a business or commercial text message.
24. **Name Plate** A wall sign not to exceed two square feet in order to identify the owner or occupant of a dwelling or building.
25. **Obsolete** Owner-identification signs or signs that advertise or otherwise direct attention to a product, service, activity, person, institution, or business that no longer occupies or is conducted, sold, manufactured, produced, or offered upon the premises; and, any abandoned or discontinued sign which is no longer being used or maintained for a period of six (6) months or longer. In determining whether a sign is obsolete, abandoned or discontinued, the following shall be considered: whether the sign identifies correct directions to, location of, or description of the goods or services available on the premises where the sign is located; whether utility service is being provided to the premises where the sign is located; the use of the premises where the sign is located; the condition of the sign; any other facts or circumstances which would indicate whether the owner of the sign has intentionally or voluntarily relinquished further use of the sign.
26. **Off-Premise** Any sign that pertains or directs attention to a business, product, service, activity, person, organization, institution, event, place, object, or location not located, manufactured, conducted, sold, or offered on the premises on which the sign is located and which was legally in existence prior to October 29, 1997.
27. **On-Premise** A sign identifying or advertising a business, person, or activity and is installed and maintained on the same premises as the business, person, or activity.
28. **Pole** Any sign that is wholly supported by one or more columns, uprights, posts, or braces in the ground and has no support to a building, canopy, or facade.
29. **Political Campaign** A sign relating to the election of a person to public office, a political party, a matter to be voted upon at an election called by a public body, or other political message as outlined in the Campaign Election Code.
30. **Projecting** A sign other than a flat sign, roof sign, or under canopy sign which projects more than 18 inches from the face of an exterior building wall or facade and which uses the building wall as its primary source of support.
31. **Pylon** A freestanding sign that is supported by a structure extending from and permanently attached to the ground by a foundation or footing where the width of the sign structure measures less than 75 percent of the width of the sign but not less than 25 percent.

- |     |                                |   |
|-----|--------------------------------|---|
| 32. | <b>Residential Subdivision</b> | A monument sign that is located along or interior to an entry of a platted subdivision or multi-tenant building complex that is zoned or legally restricted for residential use or a mix of residential and supporting commercial uses. For purposes of this definition, the “entry” means a street intersection located at the perimeter of the subdivision. |
| 33. | <b>Roof</b>                    | Any sign erected upon a roof or roof-mounted structure.   |
| 34. | <b>Sandwich Board</b>          | A portable sign that is ordinarily in the shape of an “A” with back-to-back sign faces, an easel, or a similar configuration.   |
| 35. | <b>Sign</b>                    | Any device or structure that is intended to attract the attention of the public in order to promote the sale of a product, commodity, service and/or for identification.  |
| 36. | <b>Temporary</b>               | A sign that directs attention to, but is not limited to, temporary events such as elections, promotional sales, grand openings, or special events. To comply with Texas and federal law, political signs are subject to Section 5.311 instead of this Section.  |
| 37. | <b>Tenant</b>                  | A freestanding sign that identifies tenants in a multi-tenant building or complex and which is located in the development for which it is advertising.  |
| 38. | <b>Under Canopy</b>            | A sign that is suspended beneath a canopy, awning, or marquee and perpendicular to the building facade.   |
| 39. | <b>Wall</b>                    | Any sign erected flush against an exterior wall, supported by the wall, and having the sign face parallel to the wall or painted directly onto a wall and which does not extend more than 18 inches from a building surface.  |
| 40. | <b>Window</b>                  | Any items of information affixed in any manner to a window or exterior glass door such that is intended to be viewed from the exterior.   |
| 41. | <b>Vehicle Sign</b>            | Any sign affixed to an operable vehicle currently registered as a motor vehicle, which is used in the normal course of business.  |

## **DIVISION 5.300 PROHIBITED, OBSOLETE SIGNS AND MAINTENANCE OF SIGNS**

### **SEC. 5.301 PROHIBITED SIGNS**

The following signs are prohibited:

- A. Any sign that does not comply with the standards for that particular category of sign.
- B. Any sign that simulates lights customarily associated with those used by police, fire, ambulance, or similar emergency vehicles.
- C. Signs that by color, location, or design resemble or conflict with traffic control signs or signals.
- D. Signs that are attached or applied to trees, utility poles, trash receptacles, or any other unapproved supporting structure.

- E. Portable signs that are not securely fixed to an approved supporting structure. This subsection does not apply to Sandwich Boards.
- F. Off-premise signs (billboards), as provided in Section 5.406. Off-Premise Signs (Billboards).
- G. Rotating or flashing signs, unless allowed in Section 5.416. Rotating or Flashing Signs.
- H. Inflatable signs.
- I. The construction of new, off premise, or electronic signs within the City's ETJ (see Section 5.406.D.).
- J. Roof signs.
- K. A sign that uses the words "stop" or "danger" to imply the need or requirement for stopping or the existence of danger. This provision does not apply when the words are part of an attraction title for a theatre or similar event or purpose.

### **SEC. 5.302 OBSOLETE SIGNS**

- A. Obsolete signs shall be removed within six months after the use of the property is terminated or the business related to the sign is closed, at the owner's expense.
- B. If the obsolete sign is a pole sign, the entire pole structure shall be removed. However, if the sign is a monument or wall sign, only the sign face is required to be removed or covered.
- C. If the sign is not removed within six months, the City may remove the sign and place a lien on the property for the cost incurred including but not limited to labor and materials for removing the sign.
- D. Signs associated with businesses that are normally open only on a seasonal basis are not considered obsolete, if the business owner establishes a clear intent to continue operation of the business within nine months.

### **SEC 5.303 SIGN MAINTENANCE**

- A. All signs, together with all their supports, braces and anchors, shall be maintained in good condition and repair. Conditions noting neglect, deterioration or dilapidation of signs shall include but not be limited to:
  - 1. Rust or holes on or in the sign or sign structure;
  - 2. Missing sign copy or missing letters;
  - 3. Cracked, broken, missing, loose or bent parts;
  - 4. Faded, peeling, or chipped paint; and,
  - 5. Non-operative or partially non-operative illuminating or mechanical devices.
- B. Upon notification by the Development Services Department, signs that are neglected, deteriorated, or dilapidated shall be repaired, replaced, or removed within thirty (30) days.

## **DIVISION 5.400 SIGN STANDARDS**

### **SEC. 5.401 GENERALLY**

- A. **Limited Use Standards.** This Division establishes standards for signs by location or by sign type.

- B. **Specific Use Standards.** This Division establishes an overall allocation of sign number and area by zoning district for three major categories: attached signs, detached signs, and temporary signs. Additional sign area, setback, dimensional, and performance standards are established for individual sign types. This system provides flexibility for persons and businesses who display signs, avoids sign distinctions that depend on a sign's message, and reduces potential traffic hazards and clutter.

#### **SEC. 5.402 SIGNS ON PUBLIC PROPERTY**

- A. **Limited Use Standards.** It is unlawful for any person to erect, attach, keep, have, or maintain any building or structure beyond the property line thereof; on any awning, shed, or the supports thereof; across any part of any sidewalk, street, or public right-of-way within the limits of the City; or any sign, streamer, advertisement, or banner without first obtaining a sign permit that also addresses liability and indemnification of the City.

#### **SEC. 5.403 ATTACHED SIGNS**

A. **Attached Signs.**

1. Canopy signs or awning
2. Marquee
3. Memorial plaques
4. Name plates
5. Roof
6. Under-Canopy
7. Wall signs (Flat)
8. Projecting
9. Window signs
10. Vehicle sign

- B. **Number and Area Requirements.** The maximum cumulative number and area of attached signs for any lot or parcel within a zoning district are identified in Table 5.107 through 5.110. Individual signs are subject to the requirements of this Article.

#### **SEC. 5.404 DETACHED SIGNS**

A. **Detached Signs.**

1. Pole
2. Monument
3. Pylon
4. Directional
5. A-frame or sandwich board
6. Residential

7. Real estate sign

8. Tenant sign

- B. **Number and Area Requirements.** The maximum cumulative number and area of detached signs for any lot or parcel within a zoning district are identified in Table 5.107 through 5.110. Individual signs are subject to the requirements of this Article.
- C. **Location.** Properties east of 59th Street, north of Seawall Boulevard, south of Harborside Drive to and including Ferry Road are limited to monument only (not applicable to properties fronting Seawall Boulevard or Harborside Drive).

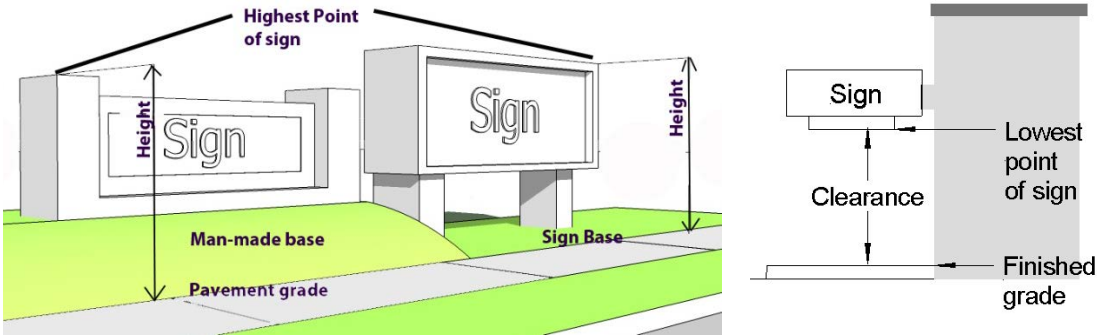
## SEC. 5.405 MEASUREMENT STANDARDS

- A. **Area.** The sign area is defined as the rectangular enclosure of all parts of the sign other than structural supports. The sign area of a three-dimensional object shall be calculated by multiplying the length by the width by the height of the three vertical faces of the smallest cube or rectangular box which encompasses the three dimensional object. Sign area is measured in square feet (sf).



- B. **Height.** The height of a freestanding sign is measured from the base of the sign or supportive structure at its point of attachment to the ground to the highest point of the sign. A freestanding sign on a manufactured base including a graded earth mound and is measured from the grade of the nearest pavement or top of any pavement curb.
- C. **Clearance.** Clearance for freestanding and projecting signs is measured as the smallest vertical distance between finished grade and the lowest point of the sign including any framework or other embellishments.





## SEC. 5.406 OFF-PREMISE SIGNS (BILLBOARDS)

### A. Applicability.

1. This Section applies to any existing Off-Premise Sign. New Off-Premise signs are not allowed.
2. An Off-Premise Sign means any sign that pertains or directs attention to a business, product, service, activity, person, organization, institution, event, place, object, or location not located, manufactured, conducted, sold, or offered on the premises on which the sign is located, and which was legally in existence prior to October 29, 1997.

### B. Proof of Permitting.

1. Sign permits or sign repair permits required by this Section are processed as provided in Article 13, Permits and Procedures.
2. If the off-premise sign owner disagrees with the director's decision relating to issuance of a sign permit, the off-premise sign owner may notify the Director of Development Services of the off-premise sign owner's desire to appeal the determination to City Council. The notice of appeal must be filed with the director no later than the 60<sup>th</sup> day after the date of the decision.

### C. Registration.

1. This subsection takes effect:
  - a. After November 28<sup>th</sup>, 1997; and
  - b. Within annexed territory, the effective date of any annexation to the City.
2. Owners of all off-premise signs situated in any location in the municipal boundaries shall annually register each off-premise sign with the Building Official as follows:
  - a. The sign owner shall file information as to the location, height, and area of each off-premise sign.
  - b. The sign owner shall file the registration within 30 days after the date listed above. The Building Official shall review the registration forms. Within five days after a registration form is filed, the Building Official shall review the form and notify the sign owner if it is incomplete. Within 20 days after notification that a form is incomplete, the sign owner shall correct any deficiencies and file a complete sign registration form.
  - c. If a complete registration form is not filed within the time limits set out above, the sign is considered an obsolete sign and shall be removed as provided in Section 5.302. Obsolete Signs.
  - d. The sign owner shall keep the registration current.

- e. The sign owner shall file a new registration for each off-premise sign within 30 days after it is demolished or torn down.
  - f. The applicant shall maintain copies of all complete registration forms as provided in this subsection. If the applicant cannot provide a copy of a complete registration form, the off-premise sign is presumed to have not been timely registered and is considered an obsolete sign.
- 3. The City shall not issue sign permits for the construction of new off-Premise signs.
  - 4. The City may issue repair permits for legally registered off-premise signs (see 5.406.E).
  - 5. An off-premise sign repair permit is valid for 12 months unless sooner revoked or canceled.
  - 6. If an off-premise sign owner wishes to transfer a sign permit to another person or entity, the off-premise sign owner shall notify the director in writing. The director shall void the original off-premise sign permit and issue a new sign permit to the new owner. No transfer is valid until accepted and reissued by the Development Services Department.

**D. Extraterritorial Jurisdiction (ETJ).**

- 1. The construction of new, off-premise signs or the conversion of an existing sign to an electronic sign, except as may be provided in this Section, within the City and its ETJ is prohibited. The City will not issue sign permits for these signs.
- 2. The conversion of an on-premise sign to an off-premise sign and the replacement or repair of existing off-premise signs or electronic signs within the City's ETJ is prohibited. The City will not issue sign or repair permits for such conversion, replacement, or repair.
- 3. The extent of a municipality's ETJ is the unincorporated area that is contiguous to the corporate boundaries of the municipality and that is located:
  - a. Within one-half mile of those boundaries, in the case of a municipality with fewer than 5,000 inhabitants;
  - b. Within one mile of those boundaries, in the case of a municipality with 5,000 to 24,999 inhabitants;
  - c. Within two miles of those boundaries, in the case of a municipality with 25,000 to 49,999 inhabitants;
  - d. Within three and one-half miles of those boundaries, in the case of a municipality with 50,000 to 99,999 inhabitants; or
  - e. Within five miles of those boundaries, in the case of a municipality with 100,000 or more inhabitants.
- 4. Regardless of 5.406.D.3, the ETJ of a municipality is the unincorporated area that is contiguous to the corporate boundaries of the municipality and that is located:
  - a. Within 5 miles of those boundaries on a barrier island; or
  - b. Within one-half mile of those boundaries off a barrier island.
- 5. 5.406.D.4 applies to a municipality that has:
  - a. A population of 2,000 or more; and

- b. The territory is located:
      - i. Entirely on a barrier island in the Gulf of Mexico; and
      - ii. Within 30 miles of an international border.
  - 6. Regardless of 5.406.D.3 the ETJ of a municipality is the unincorporated area that is contiguous to the corporate boundaries of the municipality and that is located within three miles of those boundaries if the municipality:
    - a. Has a population of not less than 20,000 or more than 29,000; and
    - b. Is located in a county that has a population of 45,000 or more and borders the Trinity River.
- E. **Site Provisions for Legally Nonconforming Off-Premise Signs.**
  - 1. **Repair/Enlargement.** A lawfully existing off-premise sign may be repaired at the same location but shall not be enlarged in area or height. A repaired off-premise sign shall not exceed the smaller of the following, excluding cutout extensions and apron trip without copy,:
    - a. The area and height of the original off-premise sign; or
    - b. 14 feet by 48 feet.
  - 2. **Relocation Prohibited.** An off-premise sign may not be relocated.
  - 3. **Height:**
    - a. Off-premise signs shall not exceed a maximum height of 40 feet.
    - b. The height shall be measured from the crown of the adjacent roadway to which the off-premise sign is oriented.
  - 4. **Setbacks.**
    - a. Any part of a repaired off-premise sign or its supporting structure shall be located at least 10 feet from the right-of-way of the street to which it is oriented.
    - b. As used in this subsection only, “street” does not include alleys.
  - 5. **Conversion to Electronic Signs.** Any Off-Premise sign that is permitted to be repaired within the City through the provisions of this Section may not be converted to, or built as, an electronic sign.
- F. **Illumination.** It is unlawful for any person to erect, operate, or otherwise use any off-premise sign which displays intermittent lights.
- G. **Motion.** Off-premise signs shall not revolve or rotate in whole or in part.
- H. **Maintenance.**
  - 1. Off-premise sign owners shall maintain all signs in good appearance and safe structural condition.
  - 2. Off-premise sign owners shall keep the general vicinity of any sign free and clear of sign materials, weeds, debris, trash, and litter.
  - 3. Off-premise sign owners shall conduct maintenance, replacement of sign copy, or structural repairs in a manner that will prevent debris and litter from drifting or being blown onto adjacent properties.
  - 4. Off-premise signs that fail to maintain copy for a period of one year are treated as obsolete signs (see 5.302).

## SEC. 5.407 ILLUMINATION, DIGITAL, AND ELECTRONIC SIGNS

- A. **Limited Use Standards.** Sections 5.107 through Section 5.110 indicate whether illumination of a sign is allowed, and the type of illumination allowed.
- B. **Prohibitions.** An illuminated sign shall not:
1. Be illuminated by flashing, intermittent, or moving lights;
  2. Contain or display animated, moving video, or scrolling advertising;
  3. Consist of a static image projected upon a stationary object; or
  4. Be a mobile sign located on a truck, boat, or trailer.
- C. **Digital Signs.** Digital signs shall conform to the following standards:
1. **Location.** Subject to State and Federal laws, digital signs are only permitted in the following areas:
    - a. Seawall Boulevard from 25th Street west to the end of Seawall Boulevard (103rd Street);
    - b. 61st Street from Heards Lane (Ave P ½) south to Seawall Boulevard; and,
    - c. North and south sides of Harborside Drive from Interstate 45 (I-45) to 25th Street.
  2. **Message Changes.**
    - a. Each message on a digital sign shall be displayed for at least eight seconds.
    - b. A change of message shall be accomplished within two seconds.
    - c. A change of message must occur simultaneously on the entire sign face.
  3. **Safety.** Digital signs must:
    - a. Contain a default mechanism that freezes the sign in one position if a malfunction occurs; and
    - b. Automatically adjust the intensity of its display according to natural ambient light conditions.
  4. **Owner responsibilities.** The sign owner shall provide contact information to the Director of Development Services for a person who is available to be contacted at any time and who is able to turn off the electronic sign promptly after a malfunction occurs.
  5. **Brightness.** Digital sign light intensity shall not exceed 0.3 foot-candles above ambient light conditions.
  6. **Time Period for Compliance.** A digital sign in existence on the effective date of these regulations (March 5, 2015) shall fully comply with Section 5.407 Illumination Digital and Electronic Signs within three years of the effective date. The digital sign's owner may appeal to the Zoning Board of Adjustment to allow an extension of this time period. The Zoning Board of Adjustment may extend this period if the owner demonstrates that it has not recouped its investment in the digital sign features of the sign.

## **SEC. 5.408 DIRECTIONAL OFF-SITE SIGN**

- A. **Limited Use Standards.**
1. Shall not exceed an area of 4 square feet (1 foot in height by 4 feet in width) for each business.
  2. Shall not exceed a height of 8 feet.

3. Shall be designed with black letters and white background, white letters with blue background, or white letters with brown background.
4. Lettering shall be a simple block font.
5. Shall include the name, symbol, or logo of a business and an arrow indicating the direction.
6. Each establishment is allowed two signs each to be located on different sites.
7. The anchor site shall be allowed a maximum of four directional signs not to exceed 16 square feet of area.
8. The property owner for a sign location must give written permission in the application for the usage of the property. The applicant must present the written permission at the time of permitting.
9. The light from any illuminated sign shall be so shielded, shaded, or directed so that the light intensity shall not adversely affect surrounding or facing premises or the safe vision of operators of vehicles on public roads.

**B. Placement.**

1. The sign face shall be located within 1,000 feet of the subject's business.
2. The sign face shall not be the principal or sole use of land on the parcel where the directional off-site sign is proposed to be displayed.
3. When detached, the sign face shall be placed on detached signage as a tenant sign.
4. When attached, the sign face shall be placed on a building as a wall sign.
5. There shall be no more than one sign face, attached or detached, per direction of facing.

## **SEC. 5.409. KITE SIGNS**

Kites may be permitted if displayed for promotional reasons on a temporary basis. The maximum duration for the display of kites is two weeks, and no more than four permits a year for a display from any one site will be granted. Exempt from this standard shall be any business that derives 50% or greater of its revenues from the sale of kites. Also exempt, any beach concessionaire south of the Seawall or south of the south toe of the dune line.

## **SEC. 5.410 MARQUEE SIGNS**

**A. Limited Use Standards.**

1. Shall be located on the primary facade and over the main entrance.
2. Shall maintain a minimum clearance of 10 feet above grade.
3. Shall not exceed 50 percent of the area of the Marquee fascia and shall not extend above the Marquee to a height in excess of the depth of the Marquee fascia.

## **SEC. 5.411 MURALS**

**A. Standards**

1. Shall not include any owner identification or commercial text message; however, it may contain graphics or images that relates to the products or services offered on the premises where the mural is located.
    - a. Murals or art representation displaying any owner identification or commercial text message will be considered as a “flat/wall sign.”
  2. Shall not depict nudity or obscene images.
  3. Materials utilized in painting a mural shall have proven durability and shall be maintained or removed if not maintained.
- B. Murals or art representation in a historic district shall comply with the *Design Standards for Historic Properties*.

#### **SEC. 5.412 POLITICAL CAMPAIGN SIGNS**

- A. **Permits.** Political signs meeting the regulations of this Section do not require a permit through the Department of Planning.
- B. **Location.** Political signs may be placed on private property with the permission of the owner or in the City right-of-way, adjacent to such private property, or at a polling location up to 90 days before an election. Political signs within the right-of-way must be removed within 10 days after an election.
- C. **Intersection Visibility.** All political signs shall conform to the requirements of the City Code.
- D. **Size and Illumination.**
1. To be exempt from the sign permit requirement, political signs may not have:
    - a. An effective area greater than 36 square feet;
    - b. A height greater than 8 feet;
    - c. Illumination; and
    - d. Any moving elements.
  2. Political signs that are not exempt must obtain a sign permit as provided in the Election Code.
- E. **Fences.** Political signs may be placed on fences if the fence is privately owned and is located on private property.

#### **SEC. 5.413 PROJECTING SIGNS**

- A. **Limited Use Standards**
1. Shall be located along the street frontage of which the business is addressed.
  2. May substitute for a wall sign.
  3. Shall not project above the roof-line or parapet of a building in excess of four feet. The amount of projection from the face of the building shall not exceed four feet.
  4. May encroach into the City right-of-way.
  5. Must maintain a minimum 7.5 foot clearance from grade.

#### **SEC 5.414 REAL ESTATE SIGNS**

- A. **Proof of Permitting.** Real Estate signs meeting the regulations of this Section do not require a sign permit.
- B. **Location.** Real Estate signs shall be placed on private property with the permission of the owner.
- C. **Maximum Number, Size, and Height.**
  - 1. One per street frontage.
  - 2. In Residential zoning districts, real estate signs shall not exceed a maximum of 8 square feet.
  - 3. In all other Zoning Districts, real estate signs permitted up to 32 square feet.
- D. **Standards.**
  - 1. Shall be used for advertising real estate for sale or lease.
  - 2. Shall be used for announcing contemplated improvements of real estate.
  - 3. Shall be non-illuminated.

#### **SEC. 5.415 RESIDENTIAL SUBDIVISION SIGNS**

- A. **Location.**
  - 1. **Generally.** Each sign must be located:
    - a. On a landscape or open space area that is maintained by a homeowners' association; or
    - b. In accordance with a License to Use or other permissive approval (such as a license issued by the Texas Department of Transportation) within the public right-of-way.
  - 2. **Intersection.** The sign shall be located at least 25 feet from an intersection.
- B. **Maximum Number, Size, & Height.**
  - 1. Are limited to two signs per street intersection.
  - 2. May not exceed 150 cumulative square feet.
  - 3. Shall not exceed 12 feet in height.

#### **SEC. 5.416 ROTATING OR FLASHING SIGNS**

- A. **Generally.** Except as specifically listed in this Section, rotating or flashing signs are prohibited.
- B. **Distance from Intersections or Street Right of Ways.**
  - 1. Flashing signs are prohibited:
    - a. Within 300 feet of any street intersection; or
    - b. Within 50 feet of any street right-of-way.
  - 2. This prohibition does not apply if the State of Texas grants a variance from the standard listed in subsection 1 above for a state highway.

#### **SEC. 5.417 SANDWICH BOARDS**

- A. **Generally.** The requirements for sandwich boards are as follows:
  - 1. **Timing:** Sandwich Boards may be displayed during business hours only.

2. **Design:** The sign frame shall be painted/stained wood, anodized aluminum or metal only. Stenciled or spray painted signs are prohibited. Windblown devices, including balloons, may not be attached to or otherwise made part of the sign.
3. **Right-of-Way:** No part of a Sandwich Board sign shall encroach into a street right-of-way unless a License to Use is secured for such placement.

#### **SEC. 5.418 SIGNS UNDER CANOPIES, AWNINGS, OR MARQUEES**

**A. Limited Use Standards.**

1. Are limited to one sign per business.
2. May not exceed 24 square feet.
3. Shall maintain a clearance of 7.5 feet from grade.

#### **SEC. 5.419 TEMPORARY SIGNS**

**A. Area and Number.**

1. One per site business.
2. Allowed an area of 40 square feet.
3. This Section does not apply to Real Estate signs or signs required by law.

**B. Location.** Temporary signs shall be mounted on a building or windows of the building.

**C. Duration.**

1. Temporary signs are allowed for a maximum 84 days during a calendar year.
2. Temporary signs are allowed for a maximum of 30 days before and 30 days after the temporary event to which they relate.

**D. Special Events.** Signs for special events are subject Chapter 6, Article II of the City Code. These signs must be located on site, unless permitted on City property pursuant to Chapter 6. Article II.

#### **SEC. 5.420 VERTICAL BANNERS**

**A. Purpose and Intent.** In order to provide a means to promote pride in the community, community activities, and programs important to the City's image, economic interest, and organizations serving the community, banner signs or pennants may be attached or applied to metal utility or light poles in the City's right-of-way.

**B. Applicability.**

1. This Section applies to vertical banners in the City's right-of-way. A vertical banner means any sign of lightweight fabric or similar material attached at the top and bottom to a pole or light standards by extensions from the pole.
2. These regulations do not apply to individual businesses or activities not provided for within whom seek to use pole banners for off-premise advertising which is prohibited within the City.

**C. Eligibility**

**1. Public Institutions:**

- a. Governmental facilities;
- b. Medical institutions; and



- c. Educational institutions.
- 2. Attractions receiving a minimum of 25,000 visitors annually that also fall within one of the following descriptions:
  - a. Nonprofit museums;
  - b. Nonprofit theaters;
  - c. Nonprofit governmental visitor information bureaus;
  - d. Convention centers; and
  - e. Theme parks.
- 3. Special events or festivals located within the City.
- 4. Historic Downtown Strand Partnership, or its successor, per Ordinance 99-11.
- 5. Non-profit organizations representing special improvement zones within the City including but not limited to: Tax Increment Reinvestment Zones, Municipal Utility Districts, and Public Improvement Districts.

#### **SEC. 5.421 VEHICLE SIGNS**

##### **A. Standards.**

- 1. Signs on parked vehicles or other mobile units shall not be used as off-premise signs.
- 2. It shall be unlawful to park, place or store a vehicle on public right-of-way or private property when the primary purpose of the vehicle or mobile unit is to advertise a business or activity.

#### **SEC. 5.422 WALL SIGNS**

##### **A. Limited Use Standards.**

- 1. Wall signs shall be located along the street frontage in which the permitted sign area is based.
- 2. For property with a lot line adjoining a waterfront, one permitted wall sign may be oriented to the waterfront in addition to the front property line.
- 3. If more than two wall signs are allowed in a zoning district, two permitted for each street frontage may be located on a side or rear wall of a building that is oriented to a common side lot line. This subsection does not apply to a common side lot line that faces a residential use or zoning district.

#### **SEC. 5.423 WEATHER OR BAIT FLAGS**

##### **A. Limited Use Standards**

- 1. Provides information on weather conditions or type of bait available on premises.
- 2. May display one flag for each weather condition.
- 3. May display one flag for each available bait type.
- 4. Each flag shall not exceed 4 square feet in area.
- 5. Each flag shall be placed within premises and shall not extend beyond the private property.

#### **SEC. 5.424 WINDOW SIGNS**

- A. **Proof of Permitting.** A sign permit is not required to install a window sign.
- B. **Limited Use Standards.**
  - 1. A window sign shall not exceed in coverage 30 percent of the total glass area of the window in which it is placed.
  - 2. No fluorescent colors are permitted for interior banners in the historic districts.
  - 3. Tubular light is permitted only in the CB district and may not exceed 4 square feet when directed towards right-of-way traffic. No intermittent or flashing lights are permitted.
  - 4. An interior sign shall not include intermittent or flashing lights, and any illumination that is visible from the public right of way is subject to Article 7, Outdoor Lighting.

## **Division 5.500 Nonconforming Signs**

### **SEC. 5.501 NONCONFORMING SIGNS**

- A. **Limited Use Standards.** Any sign located within the municipal boundaries on the effective date of these regulations that does not conform to the provisions of Article 5, Signs, or other applicable requirements or standards of these regulations, shall be considered a legal nonconforming sign, provided it also meets the following requirements:
  - 1. The sign is a detached sign; and
  - 2. One of the following apply:
    - a. The sign was approved by a sign permit before the effective date of these regulations, or amendment, if a permit was required under applicable law;
    - b. If no sign permit was required under applicable law for the sign in question, the sign was in all respects in conformity with the applicable law or conditions of approval immediately prior to the effective date; or
    - c. The sign had legal nonconforming status on the effective date of these regulations.
- B. **Existing Signs on Annexed Property.** If land is annexed to the City after the effective date of these regulations, any signs that do not conform to the provisions of these regulations at such time shall have legal nonconforming status if:
  - 1. Under applicable regulations, the sign was legal in all respects immediately prior to annexation; and
  - 2. The sign is a detached sign.

### **SEC. 5.502 NONCONFORMING ON-PREMISE SIGNS**

- A. **Limited Use Standards.**
  - 1. Any legally existing nonconforming on-premise sign in existence on October 29, 1997, may continue to lawfully exist unless and until the sign requires repairs that cumulatively cost more than 51 percent of the cost of erecting a new sign of the same type at the same location.
  - 2. In determining whether the non-conforming on-premise sign is damaged 51 percent or less each applicant shall, with the filing of a permit application, submit three bids by three

different sign contractors/manufacturers that include the total cost to repair the existing sign and total cost to erect a new sign of the same type and dimensions at the same location.

3. A nonconforming on-premise sign must be removed after the sign ceases to lawfully exist, as determined by Section 5.302, above.
4. The owner of the sign and the owner of the premises are each liable for the failure to remove a nonconforming on-premise sign.

## **SEC 5.503 NONCONFORMING OFF-PREMISE SIGNS**

### **A. Limited Use Standards.**

1. Any nonconforming off-premise sign in existence on October 29, 1997, may continue to lawfully exist, unless the owner is notified of and does not resolve violations of Section 5.406.H. Maintenance, and so long as the sign meets the requirements of Section 5.406.E. Site Provisions for Legally Nonconforming Off-Premise Signs.
2. If a nonconforming off-premise sign is blown down, inadequately maintained, dilapidated, decayed, or otherwise destroyed such that the cumulative cost of repairing the non-conforming off-premise sign is more than 60 percent of the cost of erecting a new sign of the same type at the same location, no new permit shall be issued. In this instance, the non-conforming off-premise sign owner and the owner of the property on which it is placed are individually responsible to remove what remains of the non-conforming off-premise sign.
3. If the nonconforming off-premise sign is damaged such that the cost of repairing the off-premise sign is 60 percent or less than the cost of erecting a new off-premise sign of the same type and dimensions at the same location, then any repairs shall comply with all applicable ordinances. If the applicant proposes to effect repairs using other than new materials, the permit application shall include a certification by a structural engineer that each piece of used material will be of the same strength as a new piece of equipment.
4. In determining whether the non-conforming off-premise sign is damaged 60 percent or less each applicant shall, with the filing of a permit application, submit three bids by three different sign contractors/manufacturers that include the total cost to repair the existing sign and total cost to erect a new sign of the same type and dimensions at the same location.
4. For nonconforming off-premise signs, routine maintenance includes changing the message of the sign by replacing or repainting the sign face. This standard also applies to buildings, structures, and signs that are used by nonconforming uses if they are designed in a way that is not suitable for reuse as a conforming use.

# ARTICLE 6. SUBDIVISION DESIGN AND LAND DEVELOPMENT

## Division 6.100 Purpose and Applicability

### SEC. 6.101 TITLE

This article is cited as the Subdivision Regulations. This Article is adopted under the authority of the Constitution and laws of the State of Texas.

### SEC. 6.102 PURPOSE

This article regulates the division of land into parcels and development sites in order to:

- A. Achieve the goals and objectives of the *City of Galveston 2011 Comprehensive Plan*;
- B. Promote quality, sustainable development patterns;
- C. Ensure that development is served by adequate public facilities;
- D. Ensure that the lot, block, and development pattern of new subdivisions is consistent and compatible with historic development patterns, where applicable;
- E. Ensure that new development in the City's historic areas is consistent with the traditional block pattern associated with the original layout of the City from 1838;
- F. Provide adequate open space, trails, and other civic spaces;
- G. Provide for streets in new subdivisions that serve all anticipated modes of travel available to the subdivision, including cars, pedestrians, bicycles, and transit; and
- H. To establish standards and procedures consistent with state law.

### SEC. 6.103 APPLICABILITY

- A. This article applies within the corporate limits and the ETJ of the City, for any subdivision of land, or combining of previously platted lots, and any development, use or activity that requires a development plat.
- B. **Types of Permits.** This article applies to the following categories of approval:
  - 1. Preliminary plats (Section 13.501)
  - 2. Final plats and final development plats (Section 13.503)
  - 3. Minor plats (Section 13.504)
  - 4. Planned Unit Development overlay districts (Section 4.102)
  - 5. Site plans (Section 13.506)

### SEC. 6.104 ALTERNATIVE STANDARDS

- A. The Planning Commission may approve a plat, site plan, or PUD plan with an alternative standard of compliance for any requirement of this article if it determines that the alternative standard meets or exceeds the requirement of this article and conforms to the City's infrastructure policies identified in

the *City of Galveston 2011 Comprehensive Plan*, Infrastructure Master Plan, Parks and Open Space Master Plan, and complies with all applicable laws and these regulations.

- B. This Section does not apply to the following standards:
  - 1. Application submittal requirements;
  - 2. Frontage requirements;
  - 3. The City's zoning regulations;
  - 4. Required widths for streets, sidewalks, and alleys;
  - 5. Requirements for the type of infrastructure to be included in a proposed subdivision; or
  - 6. The maintenance and guarantee of improvements provisions.
- C. In determining that the alternate standard complies with this article, the Planning Commission shall consider:
  - 1. Any applicable goals, objectives and policies of the *2011 Comprehensive Plan*;
  - 2. The existing and proposed land use of the general vicinity;
  - 3. The probable effect of the proposed development upon traffic, public health, safety convenience, and welfare in the vicinity; and
  - 4. The impact of the proposed development on exposure to flood damage.
- D. Specific conditions and approved alternate standards shall be shown as notes on the plat and in the official minutes of the Planning Commission.

## **Division 6.200 Guarantee and Maintenance of Infrastructure Improvements**

### **SEC. 6.201 GENERALLY**

This Division applies to any situation where these regulations require infrastructure improvements, and sets out the minimum standards to ensure the long-term maintenance of all infrastructures including common open space, private drainage, or retention facilities, and public and private roads.

For purposes of this Division, "maintenance documentation" includes:

- 1. Plat annotations;
- 2. Covenants, conditions and restrictions (CCRs), if required for private improvements;
- 3. Documentation creating a property owners' association, if required for private improvements; and
- 4. Any development agreements required by these regulations to ensure the long-term maintenance of infrastructure.

The applicant shall provide a copy of all maintenance documentation with any application for development approval.

- A. The Planning Commission may approve, modify, or disapprove all maintenance documentation in order to ensure compliance with these regulations.
- B. The Planning Commission may, as a condition of approval or prior to final approval, require that the maintenance documents allow the City to enforce compliance as needed to ensure compliance with these regulations.

## **SEC. 6.202 PLAT ANNOTATIONS**

All provisions for the maintenance of private infrastructure shall be contained in notes on the face of any filed plat or development plat.

## **SEC. 6.203 CONSTRUCTION PLANS**

Following approval of a preliminary plat and prior to submission of a final plat, the applicant shall provide to the Development Services Director for referral to the proper departments:

- A. Two preliminary prints of the proposed final plat, pursuant to Section 13.500, Subdivision Plat Procedures, indicating and describing the location of all permanent survey monuments and block corners in accordance with the following standards:
  1. Each lot must be accurately surveyed and suitable corner markers set prior to construction of any building or fence on the lot.
  2. All perimeter points and angle points in the boundary survey shall be permanently marked by a one-half-inch, iron rod embedded in a 6 inch cylinder of concrete, flush with the ground, with a minimum depth of 30 inches.
  3. Permanent benchmarks, based on NAVD (North American Vertical Datum 1988), shall be set not more than 1,000 feet apart along all street lines. Elevations on fire hydrants, manhole rings, and spikes in utility poles are not acceptable.
- B. Four copies of plan profile sheets, 24 x 36 inches in size and platted to a scale of 20 feet to one-foot horizontal and 2-inch to one-inch vertical for all streets and alleys in the subdivision. An arrow pointing north shall be clearly marked on all sheets, and plans shall be oriented with north towards the top of the sheet or to the right. These plan-profiles shall show the right-of-way of the street, portions of right-of-way of intersecting streets, location of existing curbs and gutters, proposed storm water structures, and water and sewer lines, as well as any other utility that may be located in the street area. The existing ground elevation and the proposed top of curb shall be shown on each side of the street and reference benchmark with its elevation (U.S.C. & G.S. Datum Plane).
- C. A final plat shall not be filed until the city engineer has approved all associated construction plans.
- D. As-built construction plans shall be provided to the City at completion of construction revised to reflect all as-built changes to the original design drawings. These plans shall be provided on reproducible Mylar and electronically compatible with the latest version of AutoCAD software.

## **SEC. 6.204 INSPECTIONS**

- A. The City Engineer may conduct interim inspections at any point during construction of private improvements.
- B. Upon the completion of the work covered by the construction plans, the owner shall notify the City Engineer in writing. Upon receipt of notification, the City Engineer will inspect the construction work. If all work is found to be satisfactorily completed, then the City Council will consider the acceptance of the improvements for the contractor's two-year maintenance period.
- C. The contractor shall provide to the City a two year maintenance bond for all public infrastructures to assure the quality of materials and workmanship and maintenance of all required improvements. Bonds shall be provided in the amount of the contractor's bid for all installed public infrastructure. The maintenance bond or other surety instrument must be satisfactory to the City Attorney as to form, sufficiency, and manner of execution.

- D. At the completion of the contractor's two-year maintenance period, the City Engineer will inspect the construction work and notify the contractor of all deficiencies to be corrected. When these deficiencies are corrected to the City Engineer's satisfaction, the City will accept the improvements for maintenance.

## **SEC. 6.205 GUARANTEE OF INFRASTRUCTURE IMPROVEMENTS**

- A. **Development Agreement.** For all developments in which streets, drainage facilities, water or sewer lines, or other improvements are to be constructed and dedicated or conveyed to the public, a development agreement is required to ensure proper construction and completion of the improvements and payment is made.
  - 1. Upon approval of the construction plans and prior to approval of the final plat for filing with the City, the developer and construction contractor shall enter into a development agreement to provide infrastructure improvements as required by these regulations.
  - 2. The developer shall submit the signed development agreement at the same time with all required documents in conformity with all City construction standards.
- B. **Standards of Construction for Public and Private Improvements.** All public and private improvements shall be designed in accordance with the most current requirements of the Standard Construction Specifications and Details and the following:
  - 1. **Paving and drainage facilities.**
    - a. All streets and alleys and drainage facilities shall be designed and constructed in accordance with the Standard Construction Specifications and Details.
    - b. The right-of-way shall be graded to provide suitable, finished grades for pavement, sidewalks, and planting strips with adequate surface drainage and convenient access to the lots.
    - c. All sidewalks or bicycle, pedestrian ways, and driveways shall be constructed in accordance with the Standard Construction Specifications and Details.
    - d. Where a subdivision abuts an existing nonconforming road or street, the developer shall be required to improve the intersection of the existing road or street to bring the same to a line and grade and type of construction meeting City standards or to replace it with a standard city street, at no cost to the City. Where the proposed subdivision is located along only one side of said street or road, then the street will be improved by means of the assessment basis with the developer paying his proportionate share as required by the City's impact fee policy.
    - e. Where a subdivision is platted so that lots back up to an existing street or a street is dedicated as part of a future development, the street shall be improved by the developer in accordance with Standard Construction Specifications and Details. In the case of an existing road or street that is not constructed to line and grade approved by the City Engineer, the requirements in subsection d above shall apply.
  - 2. **Street lighting.** Lighting shall be approved by the City and provided on all streets and shall conform to Article 7. Lighting of these regulations and other applicable City policies concerning street lighting. All necessary easements for street light installation and maintenance shall be shown on both the preliminary and final plats.
  - 3. **Site improvement data.** The following site improvement data, including all plans and specifications and engineering calculations, shall be submitted, bearing the seal and signature of a civil engineer registered in the State of Texas. The number of copies shall be furnished as specified in the Standard Construction Specifications and Details:

- a. Roadways and sidewalks: Detailed cost estimates shall be included in plans and profiles of all streets, alleys, sidewalks, and crosswalks.
  - b. Sanitary sewers: The location and dimensions of existing sanitary sewer lines, plans and profiles of proposed sewer lines indicating depths and grades of lines, detailed design information, and detailed cost estimates.
  - c. Treatment plant system: When a separate sewer system or treatment plant is proposed, proposed plans and specifications shall be submitted.
  - d. Water lines and hydrants: The location and size of existing water lines and fire hydrants, plans and proposed water lines and fire hydrants showing depths and grades of the lines, detailed design information, and cost estimates.
  - e. Streets and drainage: All street widths and grades shall be indicated, runoff figures shall be indicated on the outlet and inlet side of all drainage ditches and storm sewers, and at all points in the street at changes of grade or where the water enters another street or storm sewer or drainage ditch. Drainage easements shall also be indicated.
  - f. Drainage design: Calculations and map showing the anticipated storm water flow including watershed areas, percent runoff, and time of concentration. Channels and storm drainage. Completed plans, profiles, and specifications shall be submitted showing complete construction details and detailed cost estimate.
  - g. Off-site drainage—Upstream: The drainage facilities shall be designed based on potential and fully developed conditions.
  - h. Off-site drainage—Downstream: Water surface elevations for a one hundred year design frequency shall be indicated considering the downstream condition in order to define the potential flood hazards. Solutions to protect the property shall be developed.
  - i. Drainage outfall: All drainage improvements shall be designed to an acceptable outfall.
- C. **Standard Construction Specifications.** The Standard Construction Specifications and Details are adopted by reference and made a part of these regulations. These shall be controlling in the design, construction, and installation of street paving, curbs, gutters, sidewalks, utilities, and other public or private improvements. Standard Construction Specifications and Details may be reviewed and amended as deemed necessary and approved by the Director of Public Works and shall be effective immediately.
- D. **Installation of public or private improvements.**
- 1. **Requirement.** All improvements required by these regulations shall be installed and constructed by the developer or their successor within three years from acceptance of the subdivision improvement construction plans.
  - 2. **Failure to complete improvement.** Where public improvements are not completely installed and constructed within the three year period, the City may do the following:
    - a. Obtain funds secured by the performance bond to complete the public improvements; or
    - b. Exercise any other rights available in equity or under the law.
  - 3. **Fiscal security.** A developer shall post fiscal security for construction of all public or private infrastructures prior to a request for recordation of the final plat, if the public improvements have not been accepted by the Director of Public Works, and provided that the subdivision improvement construction plans have been accepted by the Director of Public Works.



- a. Amount: The amount of fiscal security posted by the developer shall equal the estimated cost as established by the developer's engineer and confirmed by the Director of Public Works, plus a ten percent contingency to complete the public improvements that have not been constructed or accepted.
  - b. Types: The following may constitute acceptable fiscal security:
    - i. A performance cash bond; or
    - ii. A Letter of Credit, approved by the City Attorney.
4. **Return of fiscal security.** The City shall release the fiscal security to the developer when the Director of Public Works has issued a final acceptance letter of the improvements.
5. **Expenditure of fiscal security.** The City may draw on the fiscal security and pay the cost of completing the improvements if it determines that the developer has breached the obligations of this Article or the three year time period for the installation and construction of the required public improvements has expired. The City shall refund the balance of the fiscal security, if any, to the developer. The developer shall be liable for the cost that exceeds the amount of fiscal security, if any.
6. **Inspection and acceptance of public improvements.**
  - a. Entry and inspection:
    - i. The City Engineer or his designees shall have the right to enter upon the construction site for conducting inspections. Inspections of the public improvements during construction will be done to ensure general conformity with plans and specifications as accepted. If the Director of Public Works finds, upon inspection, that any of the public improvements have not been constructed in accordance with this Article and the design and construction standards, then the developer shall be responsible for making corrections to ensure compliance with City standards.
    - ii. Upon completion of construction, the developer shall arrange for a final inspection to determine that the public improvements have been installed and in conformity with the accepted subdivision improvement construction plans. The developer shall pay all necessary inspection fees prior to the City's acceptance of the public improvements.
  - b. Request for acceptance of public improvements: Upon completion of construction of the public improvements, the developer shall submit a written request to the Director of Public Works that the City accept the improvements for maintenance. Concurrent with this request, the developer shall submit all information required by these regulations.
  - c. Letter of acceptance: Upon satisfactory completion of the public improvements and receipt of the information and items requested for the acceptance, including a two year maintenance warranty bond, in favor of the City, the Director of Public Works shall issue a letter accepting the public improvements and shall forward a copy of the letter of acceptance to the City Manager or his designee.
7. Maintenance of public improvements. The developer shall be responsible for the maintenance and repair of all public improvements for two years after acceptance of said public improvements by the City.

## **SEC. 6.206 EXPENDITURE OF PUBLIC FUNDS**

The City's approval of a final plat does not obligate the City to finance or furnish any infrastructure improvements within the approved subdivision. Public funds will be expended only after the approval of the City Manager and after an appropriation has been approved by the City Council for this purpose.

## **SEC. 6.207 REQUIRED COVENANTS, CONDITIONS, AND RESTRICTIONS**

- A. **Generally.** Private improvements may be permitted in certain developments provided that their maintenance is provided for in perpetuity. These provisions shall, in most instances, be included in a declaration of CCRs for the property.
- B. **Recordation.** The applicant shall record the CCRs in the public records in the chain of title for the property, following review as provided below.
- C. **Applicability.** The applicant shall provide proposed CCRs to the City:
  - 1. With the application for final plat approval; or
  - 2. If no plat approval is sought before the issuance of any permit that directly authorizes development. Development approvals that require CCRs are contingent upon approval of the CCRs by the City.
- D. **City Enforcement.**
  - 1. The Planning Commission may review CCRs that implement requirements of these regulations or conditions of approval.
  - 2. The Planning Commission may require that the applicant grant the City a right of enforcement of the CCRs in order to ensure continuing compliance. Such enforcement shall be limited to only those matters relating to the ongoing maintenance of the private improvements and shall not extend to matters regulated by the City's zoning regulation.
  - 3. The City may require that the CCRs give the City a right to designate a management company to be paid a reasonable fee from the dues payable by the property owners after the third notice of noncompliance to the association's registered agent.

## **SEC. 6.208 PROPERTY OWNER'S ASSOCIATIONS**

- A. **Generally.** Any subdivision or land development which requires a property owners' association in order to comply with these regulations or a condition of approval must include a recorded declaration of CCRs that establishes the association as required by Texas Property Code §§209.001-209.015.
- B. **Required Provisions.** The CCRs must provide that:
  - 1. The property owners' association is responsible for ensuring continuing compliance with these regulations and conditions of a subdivision plat, development plat, or site plan approval;
  - 2. Membership in the property owners' association is mandatory for all owners of property in the subdivision or condominium;
  - 3. The property owners' association has lien rights with respect to unpaid dues;
  - 4. The property owners' association is permanent; and
  - 5. The property owners' association has all responsibilities required by these regulations for ownership and maintenance of common elements.

## **SEC. 6.209 CONVERSIONS FROM UNIFIED CONTROL TO MULTIPLE OWNERSHIP**

A development that is approved under unified ownership and control shall not be conveyed into multiple ownerships (*e.g.*, individual buildings in an office park being sold to separate entities) until the required CCRs are recorded or amended.

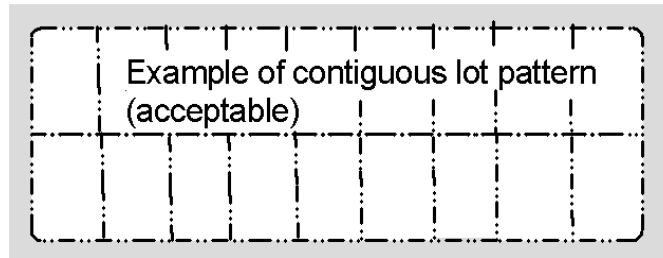
## Division 6.300 Subdivision and Development Design

### SEC. 6.301 GENERALLY

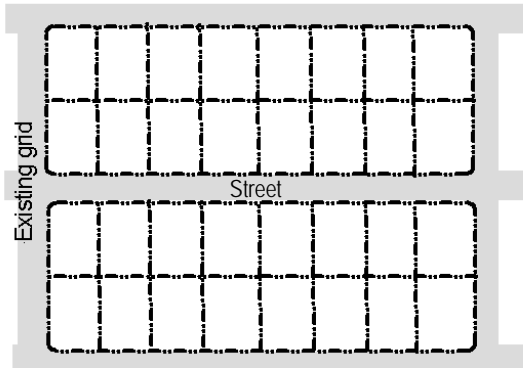
- A. **Physical Improvements.** Construction of all streets, sidewalks, drainage structures, utilities, and other improvements shall comply with the following standards at the time of submission of the plat:
  - 1. Current City ordinances; and
  - 2. The Standard Construction Specifications and Details adopted in this Article and Division.
- B. The subdivide shall pay for all infrastructure improvements required except as otherwise provided by the City Code or these regulations.

### SEC. 6.302 LOTS AND BLOCKS.

- A. **Generally.** Lot size, shape, and orientation shall conform to Article 3, District Yard, Lot and Setback Standards of these regulations. Lots shall be arranged in a contiguous pattern within blocks or adjoining a cul-de-sac. For minor subdivisions, all lots shall be contiguous and any new lots subdivided from a previously subdivided tract shall adjoin the existing lots.
- B. **Block Configuration—Eastern End.**
  - 1. **Purpose and Findings.** The eastern end of the island is characterized by relatively short blocks with a grid pattern. The grid pattern was established in 1838 by the Galveston City Company and has been the most important factor in shaping the City's physical appearance. This block pattern is consistent with the City's historic character, is pedestrian friendly, and provides connectivity that disperses traffic in an efficient manner. The balance of the City is either committed to development with longer, curvilinear blocks, or characterized by natural features that require greater design flexibility than the City's more densely settled areas. This subsection establishes block width and perimeter standards that provide for appropriate block patterns throughout the City, preserve the City's urban street grid in the Urban Core, and provide design flexibility.
  - 2. **Block Pattern.**
    - a. Streets shall be laid out to create blocks.



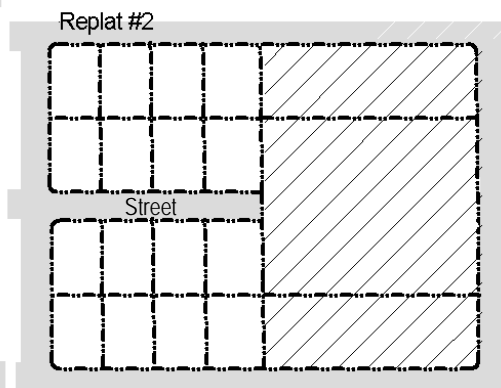
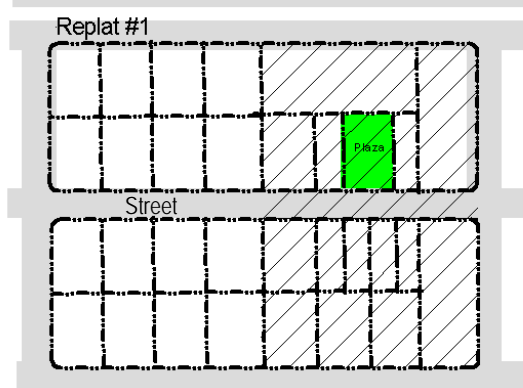
*Illustration*



**Commentary:**

Replat #1 satisfies subsection 2.b by maintaining the existing grid, and incorporates an urban square into the block (see subsection 2.c)

Replat #2 vacates a street that connects the grid (unacceptable)



b. A vacation or replat of an existing plat in the East End Harborside area designated in Table 6.302 shall preserve the existing grid pattern of streets and blocks. Applicants shall not combine blocks by vacating streets except as provided in subsection 6.302.B.3 below:

- c. Streets shall be arranged in a grid or comparable formal arrangement and open spaces shall be integrated into the block design. The Planning Commission may waive this requirement:
  - i. To accommodate green spaces along drainage features, coastal features, or wetlands; or
  - ii. Where other natural resources make a grid or comparable formal arrangement difficult or cost prohibitive.

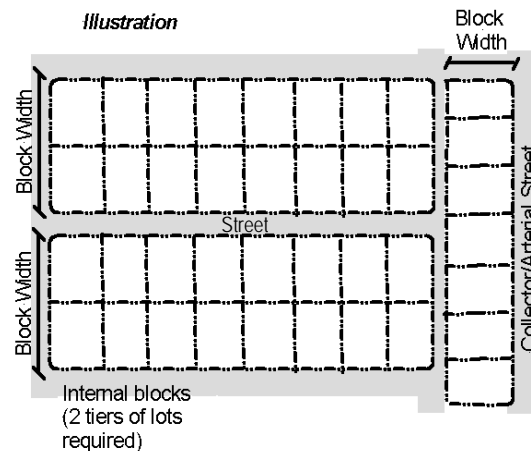
3. **Permanent Street Closure.** When a single development includes multiple blocks, it may be beneficial to close public right-of-ways. A permanent street closure may only be considered on a case-by-case basis where the closures do not significantly impact traffic flow, and where it will provide a high quality development that contributes positively to the overall neighborhood character and pedestrian circulation system.

- a. Closure of a public right-of-way after the adoption of these regulations may be considered when the following criteria are considered:

- i. There is a demonstrated community benefit;
  - ii. The street segment is not a part of a historic district or a potentially eligible historic district;
  - iii. No structure shall be erected within the original right-of-way; and
  - iv. The closure does not negatively impact public safety or traffic.
- b. When closing a public right-of-way, the applicant's proposal shall attempt to:
- i. Maintain existing view corridors and breezeways along the original right-of-way;
  - ii. Maintain pedestrian access through the development along the original right-of-way; and
  - iii. Provide additional landscaping including decorative paving in the closed area.
- c. Closure of an alley after the adoption of these regulations may be considered when the closure considers the following criteria, including but not limited to:
- i. Closing the alley is necessary to build a parking structure or orient a mid-rise building as recommended by the Height and Density Development Plan and Design Guidelines;
  - ii. The alley segment is not part of a historic district or a potentially eligible historic district;
  - iii. Closing the alley would not cause a loss of service access to other properties;
  - iv. Utility service lines can be feasibly relocated, by the developer or applicant following review and approval by the Public Works Department; and
  - v. The closure does not negatively impact public safety or traffic.

#### 4. Block Width.

- a. Blocks to the interior of the subdivision shall have sufficient width to provide for two tiers of lots. One tier of required block width is permitted in blocks adjacent to collector or arterial streets or waterways. No more than two tiers of lots shall be provided for any block. This subsection does not apply to flag shaped lots.



- b. Flag Shaped Lots: A lot that is, generally, in the shape of a flag extended at the end of a pole wherein the pole portion of the lot serves to provide the required street frontage and the flag portion of the lot serves to provide the buildable area of the lot. A 12-foot width is required for the entire length of the pole.

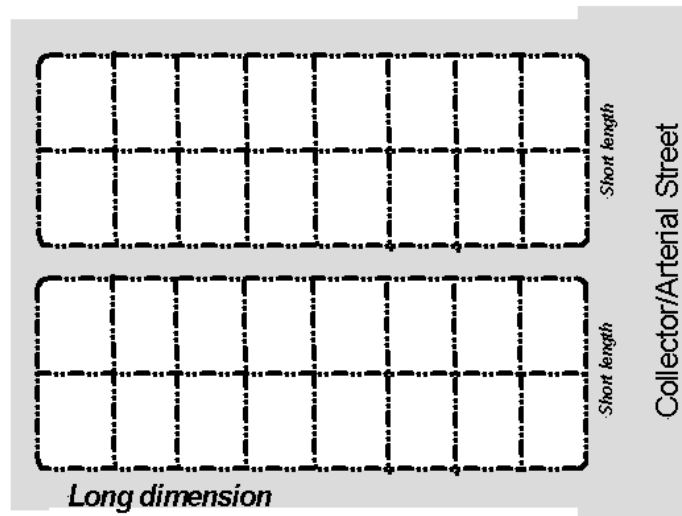
5. **Block Length and Perimeter.**

- a. The perimeter and length of blocks within a subdivision shall conform to the requirements in Table 6.302, below.

Table 6.302 Maximum Block Length and Perimeter				
(A) Location	(B) Average Length (maximum-feet)	(C) Maximum Length (feet)	(D) Average Perimeter (maximum-feet)	(E) Maximum Perimeter (feet)
<b>East End 1 - Harborside</b> <i>North of Seawall Boulevard, east of 61<sup>st</sup> Street, and south of State Highway 275 ("Harborside")</i>	320 (north-south axis)  350 (east-west axis)	370 (north-south axis)  400 (east-west axis)	1,340	1,540
<b>East End 2</b> <i>East of Ferry Road</i>	400	450	1,600	1,800
<b>Balance of Incorporated Area</b>	450	700	1,800	2,800
<b>Non-Residential Blocks</b> <i>Outside of East End 1</i>	600	750	2,400	3,000

- b. Where possible, blocks shall be laid out to have their short length abutting arterial streets, collector streets, or the development's major road.

*Illustration*



6. **Non-Residential Blocks.** In order to accommodate the need for parking and larger floor plats for non-residential uses, the Planning Commission may waive the block length and perimeter restrictions to allow an additional 15 percent of block length or perimeter.

C. **Multi-Modal Circulation.**

1. A block that is at least 600 feet long shall include a multi-modal path that connects to another street or alley. A multi-modal path shall accommodate at least two of the following uses:
  - a. Alley;
  - b. Bikeway; or
  - c. Pedestrian pathway.
2. The multi-modal path shall be at least 10 feet wide.
3. The minimum width shall include a hard surface or a pervious surface that complies with the Standard Construction Specifications and Details.
4. The multi-modal path shall:
  - a. Be dedicated to the City; or
  - b. Include an enforceable easement that allows access by the public. In this situation, the applicant or property owner shall maintain the easement.

D. **Lot Lines.** All side lines of lots shall be at right angles to straight street lines.

E. **Access.**

1. Each lot shall have frontage on a public street or an alley or a private access way that conforms to the Standard Construction Specifications and Details.
2. The driveway access to each lot shall have a minimum width of 10 feet.

F. **Double Frontage.**

1. Double frontage lots are prohibited unless:
  - a. The lot is reserved for non-residential use; or
  - b. The Planning Commission finds that a double frontage is needed to separate residential development from traffic arterials or to overcome unique topographical or environmental restrictions.
2. In order to determine setbacks, the final plat shall designate the front and rear of any double frontage lots.

G. **Remnants.** No remnants of land shall be left in the subdivision that do not conform to lot requirements, are not required or suitable for utility service, or which are not designated as common open space or parkland.

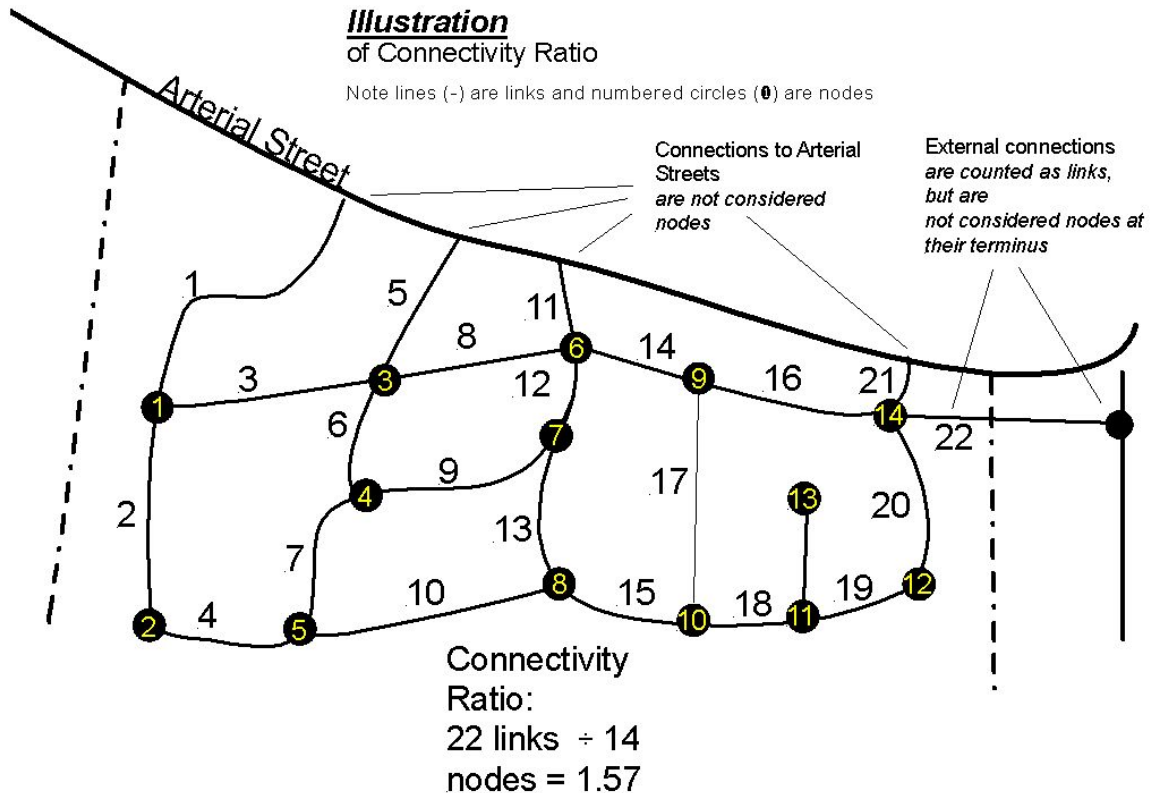
H. **Elevation.** No lot shall be lower than the center line elevation of the adjacent street at any point unless the lot adjoins a body of water or a drainage easement. In no case shall the outfall from the street drain cross any portion of a private lot. The building site shall not be less than 1 foot above the center line of the street or be at least 1 foot above all elevations 6 feet from the building site.

## SEC. 6.303 STREET DESIGN AND LAYOUT

- A. **Applicability.** The subdivider shall construct, in total, all streets in or new streets adjacent to the subdivision.
- B. **Layout.** Unless otherwise approved by the Planning Commission, provision shall be made for the extension of arterial streets and collector streets shall be provided for the circulation of traffic through the subdivision and connection to the arterial streets. Other streets shall be provided within the subdivision as necessary to accommodate anticipated traffic demands and provide access to all building sites. All arterial streets shall be continuous or in alignment with existing streets of which they are a logical extension.
- C. **Spacing.**
  - 1. Streets shall generally be platted to allow two tiers of lots with an alley or easements.
  - 2. The Planning Commission may permit lots having double frontages if it determines that they are necessary or desirable due to site considerations.
  - 3. Street intersections shall have a minimum offset of 125 feet.
- D. **Boundary Streets.** If the proposed subdivision is partially or totally bounded by existing streets or right-of-ways and having a width less than that specified in these regulations, the subdivision shall be laid out to provide the street width required.
- E. **Intersections.** No more than two streets may intersect at one point. All street intersections shall be at 90 degrees. A waiver of up to 10 degrees may be granted by the Planning Commission due to topography. Corners at intersections shall be rounded with a minimum radius of 25 feet. Street intersections shall be aligned so as to avoid off center intersections.
- F. **Connectivity.**
  - 1. The street system designated for each subdivision, except where prevented by topography or environmental conditions, must connect with streets already dedicated in adjacent subdivisions. Where adjacent property is not platted, adequate street connections shall be extended to the common property line to ensure proper traffic circulation when the property is platted. Reserve strips of land, to prevent access from other property, are not permitted.
  - 2. **Dead-End Streets.** Permanent dead-end streets shall have a “turn around” with an outside street right-of-way radius of at least 50 feet at the closed end.



3. **Connectivity Ratio.** The streets within a proposed subdivision shall provide a connectivity ratio of at least 1:20. The connectivity ratio is computed by dividing the number of street links by the number of nodes within the subdivision. For purposes of this subsection, the intersection of a local street within the proposed subdivision with an arterial street, collector street, or a street that aligns with and provides access to an adjacent subdivision or street is not considered a node.



**G. Geometric Design.**

1. **Street Right-of-Way Width.** Street right-of-way width shall conform with the following:

- a. Arterial streets shall have the minimum right-of-way width needed to accommodate the ultimate traffic volumes anticipated as determined by the Planning Commission. The applicant is not required to dedicate more than 120 feet of right-of-way width unless the City or other agency compensates the applicant for the cost of the additional dedication.
- b. Collector streets shall have a minimum right-of-way width of 60 feet.
- c. Local streets shall have a minimum right-of-way width of 60 feet.

- H. **Street Elevation and Grade.** All street crown elevations shall conform with the City's master grading plan but in no case less than an elevation of 8 feet (NAVD 1988) for streets north of Seawall Boulevard, and 6 feet (NAVD 1988) for streets south of Seawall Boulevard or west of 103<sup>rd</sup> Street without the written concurrence by the City Engineer and the specific approval of the Planning Commission. Proposed streets shall meet or exceed the elevation of all connecting streets.

- I. **Sight Distance.** The Planning Commission shall apply such standards for the sight distances and curves as are appropriate to the anticipated speeds and volumes of traffic. The following standards apply:

1. For thoroughfares:

- a. The minimum tangent between reverse curves is 100 feet.
  - b. The minimum radius for horizontal curves is 150 feet.
  - c. The minimum radius for vertical curves is 100 feet.
- 2. For collector and local streets:
  - a. The minimum tangent between reverse curves is 40 feet.
  - b. The minimum radius for horizontal curves is 50 feet.
  - c. The minimum radius for vertical curves is 100 feet.

**J. Private Streets.**

- 1. **Applicability.** The Planning Commission may approve private streets only within a PUD District.
- 2. **Standards.** Private streets shall meet all standards for an equivalent public street. Traffic control devices shall conform to the standards of the Manual on Uniform Traffic Control Devices. The Director of Engineering may require installation of such traffic control devices as are deemed appropriate.

**K. Street Names.** New streets shall provide continuity of names with existing streets. Otherwise similar or identical street names to streets already existing or platted in other parts of the City shall be avoided. The maximum length of any street name shall be 18 characters. The Planning Commission may reject any name that it deems to be inappropriate.

**L. Alleys.**

- 1. The City may require alleys in blocks used for commercial purposes, where alleys are consistent with the historic pattern of development or traditional neighborhood developments.
- 2. Alley width shall be at least 20 feet and shall be paved full width.
- 3. No new business or dwelling shall face or have its main entrance on an alley.
- 4. Dead-end alleys are not permitted.

**M. Curbs and Gutters.**

- 1. The subdivider shall construct curbs and gutters, where applicable, to conform to Standard Construction Specifications and Details, along both sides of all streets within the subdivision and along the subdivision side of all boundary streets. The minimum gradient on streets and gutters shall be twenty five hundredths (0.25) of one percent.
- 2. The subdivider shall pay for and construct curbs and gutters, where applicable, on each side of all streets within a subdivision and on the subdivision side of all boundary streets.

**N. Street Bases and Wearing Surfaces.** The subdivider shall provide streets to conform to the current Standard Construction Specifications and Details.

**O. Street Signs.** The subdivider shall install street signs at each intersection within the subdivision. Signs shall conform to the current Standard Construction Specifications and Details.

**P. Sidewalks.**

- 1. Sidewalk construction shall conform to the current Standard Construction Specifications and Details. Such sidewalks shall extend from curb-to-curb at intersecting streets.

2. The subdivider shall install sidewalks on all streets within the subdivision and on the subdivision side of all boundary streets. Sidewalks shall be paved concurrently with the construction of the adjacent streets.

**Q. Street Lights.**

1. A system of street lighting shall be installed in all new subdivisions by the energy company authorized to do so under its contract with the City.
2. The lighting system shall conform to good engineering practices taking into consideration the needs of the subdivision.
3. Underground service and use of ornamental standards are preferred, where feasible. The subdivider shall provide one ornamental light fixture per every five installed fixtures for future maintenance. The subdivider may propose alternatives and shall confer with the appropriate energy company and with the city engineer before proposing alternatives.
4. The subdivider shall pay to the City, at the time of installation of the system, an amount equal to two years annual charges for the system. The fee shall be paid prior to recording of the final plat.
5. The design shall be approved by the city engineer.
6. The minimum criteria for approval is a light at each street intersection and a maximum of street distance to the next light of:
  - a. East of 8-Mile Road: 150 feet.
  - b. West of 8-Mile Road: 300 feet.

**SEC. 6.304 COMPATIBILITY**

- A. **Generally.** A proposed development must be compatible with the surrounding neighborhoods and with the City of Galveston Comprehensive Plan of 2011.
- B. **Basic Factors.** In considering whether the proposed development is compatible, the Planning Commission will consider the following factors for the proposed development and the neighborhood:
  1. Street patterns;
  2. Lot configuration; and
  3. The goals and policies of the *City of Galveston 2011 Comprehensive Plan* and other adopted neighborhood plans.

**SEC. 6.305 UTILITIES**

**A. Generally.**

1. All developments shall provide water, sewer, storm water, electric, telephone, and other public or private utility connections to City residents.
2. Where a development is part of a larger parcel of land under common ownership with the applicant, the capacity of utility facilities shall be adequate to serve the entire property to the extent that the capacity is matched to that of the lines that it extends.
3. If the applicant extends water or sewer lines that serve other developments through its property, the City may require the applicant to participate in a utility oversizing and reimbursement program as a condition of subdivision or site plan approval.
4. Wherever possible, compatible utilities shall share easements.

**B. Water.**

1. All subdivisions shall be provided with an approved water system.
2. The water system shall conform to the City's Standard Construction Specifications and Details. Water lines shall be installed to serve each lot in all subdivisions within the City limits. Where the connection to a system is not made immediately, plans shall be prepared for future installation of a water distribution system to serve each lot. Those parts of such system that lie in the parts of streets intended for vehicular traffic shall be installed prior to streets being paved.
3. Potable water lines shall be looped and shall have a secondary feed to the potable water supply.

**C. Fire Hydrants.** Standard fire hydrants shall be installed as a part of the water distribution system not more than 500 feet apart in residential areas and 300 feet apart in commercial areas as measured along the streets and shall conform in all respects to the specifications of the City.

**D. Wastewater.**

1. All subdivisions shall be provided with an approved sewage disposal system to conform to the latest TCEQ (Texas Commission on Environmental Quality) regulations, Sewage Ordinance, and the City's Standard Construction Specifications and Details as adopted.
2. Sanitary sewers shall be installed to serve each lot in all subdivisions.

**SEC. 6.306 DRAINAGE**

**A. Required Facilities.** The subdivider shall construct all storm sewers, laterals, manholes, catch basins, culverts, ditches, and/or other appurtenances necessary to adequately drain the subdivision. Where trunk line storm sewers cross the subdivision or are extended to provide outfall for the subdivision, the City may assume that portion of the cost in excess of that required to drain the subdivision.

**B. Design.** All drainage computations and drainage structure design shall conform to the Standard Construction Specifications and Details. Computations and designs shall be submitted to the city engineer for approval. The subdivider shall be required to provide for all storm water originating within the subdivision as well as that originating upstream in the drainage area where crossing the subdivision. Any off-site drainage easements necessitated by the subdividing of a tract of land shall be provided by the subdivider. The following is the minimum design consideration:

1. Drainage structures shall be designed for flows determined by the Rational Method and for at least a two year rainfall frequency based on a minimum of 15 minutes time of concentration.
2. A tail water tide elevation of 1.5 (Mean Tide) shall be assumed.
3. A runoff coefficient of at least 0.50 shall be used for single dwelling areas where the minimum lot size is 7,000 square feet.
4. A runoff coefficient of at least 0.70 shall be used where lots are less than 7,000 square feet or where apartments, churches, schools, businesses, or any other facilities which will necessitate parking or large covered areas within the drainage area.
5. The maximum distance storm water to be carried in gutters before entering an inlet is 500 feet.
6. Minimum storm sewer lateral to be 18-inch pipe.

**C. Storm Sewers.** All storm sewers within public right-of-ways and easements shall be reinforced concrete pipe or equal, approved by the city engineer.

## SEC. 6.307 PARKS, OPEN SPACE, AND CIVIC SPACES

- A. **Purpose.** These regulations establish requirements and incentives for new development to provide parks, open space, and civic spaces (referred to collectively in this section as “open space”). Open space can take a variety forms, ranging from large natural areas for planned conservation developments in the West End to small urban plazas and courts in the City’s historic Urban Core neighborhoods. This section establishes standards that define the open space categories along with design, location, and maintenance requirements that ensure that the spaces serve their intended purpose over time.
- B. **Designation and Ownership.**
1. **Generally.** The PUD plan, site plan, development plat, or subdivision plat shall delineate the location of open space and identify it as private or public.
  2. **Re-subdivision of Open Space Prohibited.** Areas designated as open space shall not be subdivided, but shall be shown as a "park," "open space," or a similar designation on a plat or site plan identifying it as restricted in use. Open space may be owned, preserved, and maintained by any of the mechanisms described below or any combination thereof.
  3. **Private Areas.** If required open space is maintained in private ownership, it shall be designated as common area for the use of all residents and occupants of the proposed development. Provisions shall be made for perpetual maintenance and care of such private areas. The instruments creating the dedication, homeowners' association, condominium association, easement, transfer, or improvement district shall be provided with the application for subdivision plat approval.
  4. **Dedication of Land to City.** Dedication of open space to the City satisfies the requirements of this subsection. Dedication shall take the form of a fee simple ownership. The City may accept a dedication if:
    - a. The land is accessible to the residents of the City;
    - b. There is no cost of acquisition other than any cost normally associated with closing on real estate;
    - c. An environmental survey of the property is submitted;
    - d. A metes and bounds and boundary survey of the property is submitted; and
    - e. A warranty deed is submitted to verify ownership, along with a submittal determining property value.
- C. **Amount of Open Space Required.**
1. The current zoning regulations and the City’s Parks and Open Space Master Plan establish the amount and type of open space required.
  2. The applicant may dedicate any trail to the City for public use. The dedicated trail shall count toward meeting the required active open space requirements.
- D. **Design.**
1. **Generally.**
    - a. Open spaces should be integrated into the development design to bring significant open space to the maximum number of properties.

- b. Small, odd, left-over open space areas should be avoided.
- c. Land designated as open space on a final subdivision plat shall be maintained as open space and may not be separately sold, subdivided, or developed, except for park uses.

2. **Typologies.**

- a. **Generally.** Table 6.307 at the end of this section provides a variety of options the applicant may use to satisfy the open space requirements. The Planning Commission may approve additional open space categories that accommodate the purposes described in this section.
- b. **Multi-Use Paths.** The entire area along a collector or arterial street that meets the following requirements may also be counted against the minimum open space requirements:
  - i. The minimum width is 12 feet on either side of the arterial or collector.
  - ii. The path must be located outside of the right-of-way.
  - iii. Construction must meet minimum American Association of State Highway and Transportation Officials (AASHTO) standards for use by both pedestrians and bicyclists.
  - iv. The path shall be defined by placing a planted strip of a width of at least 3 feet between the back of the curb and the street edge of the path.
  - v. One large tree and one medium tree shall be planted every 100 feet or fraction thereof.

3. **Connectivity.**

- a. Where possible, open space shall align with open space areas on adjacent property or areas designated as a public greenway, a linear park, or similar facility in the City's Parks and Open Space Master Plan; and
- b. Open space areas shall include sidewalks, trails, or similar facilities that align with such facilities in an adjoining parcel or where adjoining parcels are unimproved conform to the specifications set forth in the facilities plan.

4. **Percentage in Storm Water Management Facilities.** Detention or retention basins, which are required as part of the storm water management standards, do not qualify as open space unless 75 percent or more of the active and usable area is designed for recreational use and the area conforms to the requirements below:

- a. Detention areas shall not be inundated so as to be unusable for their designated recreational purposes. Detention areas must be designed to drain within 24 hours.
- b. Detention areas shall be constructed of natural materials. Terracing, berming; and contouring is required in order to naturalize and enhance the aesthetics of the basin.
- c. Basin slopes shall not exceed a three-to-one (3:1) slope.
- d. Detention areas may count a maximum of 50 percent of any park dedication requirement.

5. **Slopes.** At least 50 percent of required dedicated open space land shall have slopes that do not exceed 7 percent.

6. **Access.** If streets are planned within a proposed single-family project, open space provided pursuant to this section shall have direct access to the streets.

7. **Excluded Areas.** The following areas are not considered open space:

- a. Areas covered by buildings, parking lots, or other impervious surfaces accessible to automobiles. However, up to 50 percent of a parking area but no more than 2,000 square feet

is counted toward the minimum land area required. The parking area must be accessory to and reserved exclusively for the open space area.

- b. Utility easements, drainage easements, or street right-of-ways, unless those areas are useable for public recreational purposes and are not permanently converted to a street or trench. Land underneath overhead utility lines is not considered open space, except where used for jogging trails, bicycle trails, or parking areas accessory to an open space.
- c. Streets and rights of way.
- d. Ponds or lakes exceeding 2,500 square feet unless surrounded by an upland open space area with a minimum width of 50 feet.

**E. Location.**

- 1. **Distance from Lots.** No residential lot or principal commercial or office building within a proposed development may be located more than one-quarter ( $\frac{1}{4}$ ) mile from any open space. This distance is measured from the entrance allowing people or bicycles to enter into the open space or to view the open space area. This distance is measured in a straight line but must not be interrupted by an arterial street or freeway. This section does not apply to the East End Harborside area designated in Table 6.302.
- 2. **School Site Locations.** Park sites shall be located, whenever possible, adjacent to and contiguous with school sites in order to make maximum use of common facilities and grounds. Land area dedicated to a school district is credited toward the minimum open space requirements if there is a joint use agreement between the City and the school district.

**F. Maintenance.** The applicant shall develop an open space maintenance plan as part of the application for development approval including the project-phasing schedule. This plan shall designate and indicate the boundaries of all proposed parks or open space required by this section.

- 1. **Maintenance Plan.** The open space maintenance plan shall:
  - a. Designate areas to be reserved as a park (for open space with improvements) or open space (for open space without improvements); and
  - b. Specify the manner in which the park or open space shall be perpetuated, maintained, and administered.
- 2. **Interim Maintenance of Land and Improvements.** Open space to be dedicated to the City shall be maintained by the applicant until such time as the land is accepted by the City for maintenance. Any associated facilities or site improvements designed and constructed by the applicant are subject to the provisions of Division 6.200 regarding construction plans, City inspections, contractor's two year maintenance period, and developer/owner guarantee of improvements.

<p><b>Table 6.307</b></p> <p><b>Open Space Typologies</b></p>		
(A) Open Space Category	(B) Description	(C) Maintenance Requirements
<b>Natural Areas</b>	Natural Areas are areas established to protect natural attributes of local, regional, and statewide significance that may be used in a sustainable manner for scientific research, education, aesthetic enjoyment, and appropriate use not detrimental to the primary purpose. These areas are resource rather than user-based but may provide some passive recreational activities such as hiking, nature study, and picnicking. Natural Areas may include marshes, wetlands, scrub, grasslands, and dune systems.	Maintenance is limited to a minimum removal and avoidance of hazards, nuisances, or unhealthy conditions. Natural watercourses shall be maintained as free flowing and devoid of debris.
<b>Greenways</b>	Greenways are areas connecting residences and recreational areas. Greenways are designed to incorporate natural settings, such as creeks and significant stands of trees within neighborhoods. Parkways and greenways differ from parks, plazas, and squares in that their detailing is natural ( <i>i.e.</i> , informally planted), except along right-of-ways, and may contain irregular topography.	<p>A Greenway may be counted as open space if:</p> <ol style="list-style-type: none"> <li>1. The it has an average width of at least 50 feet; and</li> <li>2. If it consists of agricultural areas the agricultural areas shall have a continuous area of at least 50 acres.</li> </ol> <p>The agricultural areas may be combined with adjacent agricultural lands if the minimum width prescribed above is met on all portions of the agricultural greenway on the site.</p>
<b>Greenbelts</b>	Greenbelts run along the perimeter of a neighborhood and serve to buffer a neighborhood from surrounding non-compatible uses such as a highway corridor or industrial district or from agricultural areas or adjacent neighborhoods. Greenbelts differ from the other types of open spaces in that they are left natural and are not for recreational use.	<p>There is no tree planting requirement along right-of-ways for Greenbelts.</p> <p>The following uses are permitted within a Greenbelt:</p> <ol style="list-style-type: none"> <li>1. Resource protection areas;</li> <li>2. Lots with a minimum lot size of five acres and a maximum impervious surface ratio of 5 percent; or</li> <li>3. Linear parks improved with trails, benches, and/or playground equipment.</li> </ol> <p>Trails, benches, and playground equipment shall not be considered impervious surfaces for purposes of computing impervious surface. The Greenbelt shall be an average of at least 100 feet in width and at least 50 feet at any point.</p>



(A) Open Space Category	(B) Description	(C) Maintenance Requirements
<b>Playgrounds</b>	Playgrounds provide play areas for children as well as open shelter with benches for parents. Playgrounds may be built within squares and parks or may stand alone within a residential block.	<p>Minimum Size: 5,000 square feet</p> <p>Maximum Size: 20,000 square feet</p> <p>Playing surfaces may be covered in sand, wood chips, or other equivalent material. Paths and walkways may be paved in concrete, crushed gravel, brick paver, or similar material or partially paved.</p>
<b>Plazas</b>	Plazas are areas for passive recreational use that are entirely bounded by streets and/or lanes. Plazas are intended for master planned communities such as TNDs or for non-residential uses.	<p>The plaza shall be square or rectangular with a length of at least 1½ times its width. The plaza shall be bounded on all sides by streets.</p> <p>Minimum width: 200 feet</p> <p>Minimum length: 300 feet</p> <p>Maximum width: 500 feet</p> <p>Maximum length: 800 feet</p>
<b>Courtyards</b>	A Courtyard is an open area adjacent to or part of a civic building or facility. Courtyards function as gathering places and may incorporate a variety of non-permanent activities such as vendors and display stands. Courtyards are credited toward open space requirements only for multi-family, non-residential, or vertical mixed-use buildings and are maintained in private ownership.	<p>Parking is permitted only at the edge of the Courtyard. Courtyards shall be paved in brick or other type of paver or crushed stone. Courtyards shall be level, stepped, or gently sloping (less than 5 percent grade). A Courtyard's horizontal length or width shall not exceed three times the height of the surrounding building(s).</p> <p>Minimum size: 2,000 square feet</p> <p>Maximum size: 30,000 square feet</p> <p>Courtyards may be left unplanted. If planted, the trees shall frame the Courtyard space or the structure that the Courtyard serves. Tree spacing shall be a maximum of 25 feet on center.</p>
<b>Forecourts</b>	Forecourts are open space areas that act as buffers between residential and non-residential buildings or streets. Forecourts are credited toward open space requirements only for non-residential, multi-family, or vertical mixed-use buildings and are maintained in private ownership.	Forecourts shall be entirely bounded by streets and private driveways and shall be planted parallel to all street right-of-ways with a single tree species.

(A) Open Space Category	(B) Description	(C) Maintenance Requirements
<b>Attached Squares</b>	Attached Squares are areas for passive recreational use which are internal to a block.	<p>Attached Squares shall be bounded by streets on a minimum of three sides or 75 percent of their perimeter. Attached Squares may be bounded by buildings on a maximum of 60percent of their perimeter (maximum of two sides) in order to provide a central gathering area for the community.</p> <p>Attached Squares shall be planted parallel to all right-of-ways with at least two tree species a minimum of 10 feet and a maximum of 50 feet on center. All internal tree plantings (if provided) shall be in geometrical layouts.</p> <p>Minimum size: 2000 square feet</p> <p>Maximum size: 1 acre</p>
<b>Detached Squares</b>	Detached Squares bordered on all sides by roads are particularly formal. Because adjacent buildings provide much of the population using any public space, Detached Squares are less likely to be used than other types, though it remains appropriate as a means to symbolically enhance important places, intersections, or centers.	<p>Detached Squares shall be planted along the perimeter of the Plaza or may be used to preserve a specimen tree or small stand of trees. The geometric pattern of the Detached Square shall be square or a rectangle with a length not exceeding twice the width.</p> <p>Minimum Size: 200 square feet</p> <p>Maximum Size: 1 acre</p>
<b>Greens</b>	The Green is an urban open space that is natural in its details. Like the Square, it is small, civic, and surrounded by buildings. Unlike the Square, it is informally planted and may have irregular topography.	<p>Greens shall be landscaped with trees at the edges and open lawns at the center. Greens shall contain no structures other than benches, pavilions, and memorials. Trails or pedestrian pathways are optional.</p>

(A) Open Space Category	(B) Description	(C) Maintenance Requirements
<b>Parks</b>	Parks may be designed for active recreational use. Parks create a central open space, which services an entire neighborhood or group of neighborhoods, or incorporates physical features, which are an asset to the community ( <i>i.e.</i> , water frontage, high ground, or significant stands of trees). Parks may be combined with Parkways and Greenbelts.	<p>Parks shall be bounded by streets on a minimum of 50 percent of their perimeter (subject to lot line configurations).</p> <p>Minimum size: 1 acre</p> <p>Trees shall be planted parallel to all perimeter right-of-ways with one species type, a minimum of 15 feet to a maximum of 50 feet on center. Pedestrian paths within a Park may be formally planted with trees parallel to the walkway. Areas under dense tree plantings shall be paved with crushed gravel. Interior portions of Parks may be kept free of tree plantings. Areas for active recreational use and any facilities that accompany such use shall have a tree planting design that integrates the structures into the Park and defines the areas set aside for active use from areas of passive use. Plantings in interior portions of Parks are encouraged to follow topographical lines.</p>
<b>Parkways</b>	Parkways are open spaces designed to incorporate natural settings such as significant stands of trees within neighborhoods. Parkways and Greenways differ from Parks, Plazas, and Squares in that their detailing is natural ( <i>i.e.</i> , informally planted), except along right-of-ways, and may contain irregular topography.	Parkways shall be entirely bounded by streets or pedestrian right-of-ways within developed areas. Parkways may be used for certain active recreational uses, such as walking, jogging, or bicycling. Trees shall be planted along all right-of-ways a minimum of 10 feet and a maximum of 50 feet on the center with a single species type. Interior areas shall remain natural and any additional plantings shall be informal in design.

## **SEC. 6.308 EASEMENTS**

The City may require various on-site and off-site easements. These easements may be required to supply drainage, utilities, access to public utilities or drainage areas, fire protection, pedestrian access, and conservation. The dimensional and location standards for easements are established in Table 6.308. The following additional standards apply to easements:

### **A. Utility Easements.**

1. Where required, all lots shall provide utility easements (UE) for public utilities that are necessary or desirable to serve the subdivision.
2. Separate designated easements shall be provided for water and sewer lines and denoted as such on the final plat.
3. Down-guy easements are required where needed.
4. Utilities shall be located underground. Where this is not possible, pole utilities shall be located at the rear of lots and avoid poles along the streets.
5. Where attached housing types are developed, easements shall be placed in open space areas for maintenance purposes.

### **B. Drainage Easements.**

1. Drainage easements may be required with sufficient width to accommodate construction and maintenance of the facility.
2. Existing surface drainage patterns shall be protected by easements or open space.
3. Drainage easements shall be placed on lots to convey surface water to storm sewers located on the street or to surface drainage channels located within easements or open spaces as topography and grading dictate.

### **C. Fire Protection Easements.**

1. Fire protection access easements shall be improved with concrete paving at a width of 20 feet, or as required by the City's Fire Code.
2. Fire protection easements must include turning radii sufficient to accommodate the City's fire protection equipment.

### **D. Pedestrian Access Easements.** These regulations may require pedestrian access easements.

### **E. Conservation Easements.**

1. These regulations may allow creation of conservation easements to preserve open space and protect natural resources.
2. Conservation easements shall exclude other easements that would result in the disturbance of the land. However, pedestrian access easements are permitted within conservation easements.

### **F. Encroachments and Removal of Encroachments.**

1. No permanent encroachments or structures are allowed within any easement required by this section, except:
  - a. Fences that allow access as needed to maintain the easement;
  - b. Landscaping consisting only of bushes, shrubs or flowers;

- c. Bicycle racks;
  - d. Paving materials required for access to the property, or to meet minimum standards such as parking;
  - e. Temporary street furniture; and
  - f. Other minor encroachments, if the utility provider determines, in writing that the encroachment does not use the public easements for maintenance, repair, and/or replacement of its utility facilities.
2. The City may remove any encroachment, structures, landscaping, or any other improvement placed within required easements.
  3. The City may assess its costs against a landowner for removal of an unauthorized improvement from an easement, including placing a lien on the property.

Table 6.308 EASEMENT SPECIFICATIONS			
(A) Type	(B) Ground Width <i>(measured at ground level, extending to the plane established in column (C) where required)</i>	(C) Above-Ground Width <i>(measured from a plane beginning 20 feet above ground and extending upward)</i>	(D) Location
Utility	10 feet	15 feet	Rear lot line or alley
	5 feet	10 feet	Street right-of-ways, or front, side, or rear yards
Drainage, other	No set width; the easement must be sufficient to meet its required capacity	--	As shown on subdivision plat or site plan
Fire Protection	20 feet	--	Street or parking areas
Pedestrian Access	5 feet	--	As shown on subdivision plat or site plan
Conservation	No set width	--	As shown on subdivision plat or site plan

## SEC. 6.309 GRADING

All lots shall be graded such that surface water flows to the street gutters or to public drainage outlets. Water flows shall not drain toward private property.

# Division 6.400 Dedication of Land and Improvements; Fee in Lieu

## SEC. 6.401 DEDICATION

- A. Approval of any plat or replat is deemed an acceptance of the proposed land dedication.

- B. Acceptance of improvements under this section does not impose a duty upon the City concerning the maintenance or improvement of any dedicated parts until the improvements are made by the subdivider and accepted by the City.
- C. Prior to final approval by the Planning Commission, all dedications of land for public use require the developer and/or owner to agree in writing to provide the necessary improvements.
- D. Prior to acceptance of improvements by the City, the owner shall furnish a certificate prepared by an engineer to the effect that all such improvements have been completed in accordance with the current Standard Construction Specifications.
- E. No building permit shall be issued and no utility service or connection shall be made with any public utility prior to the approval of a plat or replat.

#### **SEC. 6.402 REFUSAL OF DEDICATION**

Rejection of a plat or replat by the Planning Commission is considered a disapproval of the acceptance of an offered dedication. The City may decline offers of dedication if it is determined that acceptance of said dedication is not in the public interest or the land is unsuitable for the designated use.

#### **SEC. 6.403 EXPENDITURE OF FUNDS**

Acceptance of a final plat by the City does not in any manner obligate the City to finance or furnish any improvements within the approved subdivision.

#### **SEC. 6.404 FEE IN LIEU OF DEDICATION**

The subdivider may pay a fee in lieu of dedication of open space required by these regulations or the Parks and Open Space Master Plan based on the value of the open space as established by City Council.

### **Division 6.500 Mapping and Monuments**

#### **SEC. 6.501 SURVEY**

- A. **Accuracy of Survey.** The allowable error of closure for all survey work shall not be greater than one in seven thousand (1/7000).
- B. **Required Information.** Surveys shall include the following information:
  - 1. Two points identified by Texas Planes Coordinates;
  - 2. Basis of bearings used and a north point;
  - 3. Boundary of the development and total acreage encompassed, described, and mapped at an appropriate scale; and
  - 4. A legal description and exhibit of the property including the recorded status of the property.

#### **SEC. 6.502 MONUMENTS AND MARKERS**

The description and location of all permanent survey monuments block corners and other markers shall be shown on the plat and meet the following standards:

- A. Each lot must be accurately surveyed and suitable corner markers located;
- B. Every change of direction on the perimeter survey shall be permanently marked; and
- C. Permanent benchmarks, based on mean tide, 1,000 feet apart along all street lines. Elevations on fire hydrants, manhole rings, and spikes in utility poles are not acceptable.

## SEC. 6.503 MAPPING CRITERIA

The following standards apply to the mapping of natural resources or other features of plans:

- A. Streams.** Streams (perennial, intermittent, mapped, and unmapped) with identifiable banks and beds shall have their boundaries set at the top of the bank.
- B. Water Courses.** Initial identification of the water courses/water bodies shall be made using the U.S. Geological Survey quadrangle maps or more accurate information as available. Field survey verification to determine evidence and location of channelized flow is required for preliminary plats and land development plans.
- C. Vegetation.** Vegetation shall be measured by the canopy line for the determination of areas of woodlands or trees. Other vegetation types shall be measured from the middle of the vegetation transition.
- D. Wetlands.** Wetlands shall be delineated in accordance with the criteria of the U.S. Army Corps of Engineers.
- E. Boundaries.**
  - 1. Measurements for the boundary are to be made horizontally, perpendicular from, or radial from any feature or point.
  - 2. Boundaries that depend on elevation shall be based upon on-site elevations and shall not be interpolated.
- F. Topography.** Topographic lines shall be at 1 foot contour intervals unless those intervals are impractical due to essentially flat topography.
- G. Digital Subdivision Record Plat.** A digital record of any plan or plat submitted under this article is required to maintain the integrity of the City GIS property base map. Digital submittals will be accepted only if they adhere to the following criteria:
  - a. The record plat base drawing is a DXF file (a standard digital exchange format).
  - b. Plats must be in Texas State Plane Coordinate System Datum at a 1:1 drawing scale in US survey feet; and
  - c. All polygons must close.

The following chart indicates only the layers that the City requires for its digital plat submittals:

Table 6.503 Digital Plat Submittal Layers			
Description of Layer	Layer Names	Color	Symbolism
All Existing Features	Existing	Green	Fill with Continuous Line
All Proposed Structures	Proposed	Orange	Continuous
Lot & Deed Parcel Boundaries	Subject Site	Blue	Continuous, 2 Point Width
Public Use	Public	Gray	Dashed
Street Name(s)	Streets	Blue	Standard(txt.shx)
Lot, Block, & Parcel Numbers*	L.B.P	Black	Standard (txt.shx)
Subdivision Names	Subdivision	Black	Italics (txt.shx)
			Obliquing angle: 30
* Font size for "Lot" is 16, "Block" is 25 and circled, and "Parcel" is 30.			
** Radius for a circle is 40.			



# ARTICLE 7. OUTDOOR LIGHTING

## Division 7.100 Outdoor Lighting Standards

### SEC. 7.101 PURPOSE AND APPLICABILITY

A. **Generally.** The purposes of this Article are to:

1. Allow for the reasonable use of outdoor lighting;
2. Minimize adverse off-site effects on other properties and habitat areas including light trespass and glare;
3. Improve security through night-time visibility;
4. Minimize the cumulative effects of excessive artificial lighting in an urbanized setting that detracts from enjoyment of the natural darkness and astronomical features of the night sky; and
5. Conserve energy.

B. **Applicability.** This Article applies to all installed outdoor lighting including replacement fixtures within the municipal boundaries of the City after the effective date of these regulations. This includes parking lot and interior lighting of open parking garages that shall comply with the requirements of Section 7.102, Nonresidential Lighting Standards. Individual lots that are developed with single-family detached and two-family dwelling units are subject only to Section 7.104, Single-Family and Two-Family Lighting.

C. **Exemptions.** This Article does not apply to any of the following:

1. Lighting within the public right-of-way that is used principally to illuminate streets and sidewalks.
2. Lighting of subdivisions or any new street light installation including any new street lighting installation within existing subdivisions, which is regulated by Article 6, Subdivision Design and Land Development.
3. Lighting of signs, which is regulated by Article 5, Signs.
4. Temporary lighting of construction sites.
5. Seasonal lighting provided that individual lamps are less than 10 watts and 70 lumens.
6. Unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA), towers or other structures requiring obstruction lighting at night shall be of the minimum luminous intensity oscillating red in color.
7. Searchlights, lasers, or any similar high-intensity light are not permitted except in emergencies where temporary lighting is needed by police, emergency medical technicians, or fire personnel or for search team purposes.

D. **Resolution of Conflicts.** When the requirements of this Article conflict with lighting that is required by federal or state law, regulation or rule, then the federal or state requirements control but only to the extent of the specific conflict.

E. **Legally Non-Conforming Outdoor Lighting.** All outdoor lighting existing or legally permitted prior to the effective date of adoption of this Article shall be considered legally non-conforming (grandfathered)

1. Except for lamp replacement, no legally non-conforming luminaire may be repaired and/or modified to perpetuate its existence unless the repair and/or modification maintains conformance or makes the legally non-conforming luminaire conforming.
2. If a lamp is available that makes a legally non-conforming luminaire conform or progress toward conformance to the required luminance level then such a lamp must be utilized when the lamp is replaced.

## **SEC. 7.102 NONRESIDENTIAL LIGHTING STANDARDS**

- A. **Generally.** The maximum permitted illumination and the maximum permitted luminaire height shall conform to this Section. All light fixtures, except traffic signals, shall be located, aimed or shielded to minimize visible glare and stray light trespassing across property boundaries where a luminaire is installed.
  1. **Prohibited Lighting.** Mercury vapor lighting shall not be used in any lighting plans or site installations given the comparative brightness and aesthetic quality, operational life, cost-effectiveness, and ease of disposal of other lighting types.
- B. **Fixture Type.** Light fixtures shall be full “cut-off” fixtures that limit lighting that is visible or measurable at the property line, thereby minimizing light trespass and reducing glare. The use of energy-efficient bulbs is encouraged.
  1. No “cut-off” fixtures may be used only for decorative purposes provided that:
    - a. They have luminaires that produce no more than 1,500 lumens (approximately equal to a 100-watt incandescent bulb); and
    - b. They have a maximum height of 15 feet.
- C. **Maximum Freestanding Fixture Height.** No freestanding light fixture, or any lighting mounted to a structure, shall exceed a height that is 40 percent of the horizontal distance from the property line or 25 feet, whichever is less.
- D. **Maximum Illumination.** Outdoor lighting shall be designed so that:
  1. The lighting is deflected, shaded, and focused away from adjacent properties and does not constitute a nuisance to such adjacent properties.
    - a. For architectural and landscape illumination, luminaires must be shielded so as to illuminate only the intended target. If not possible, then the lighting is restricted to illuminating the intended target such that no stray light passes above the horizontal plane.
    - b. For flag illumination, luminaires must be shielded so that light illuminates only the area about the flagpole, supporting structure, or projection from a structure on which the flag flies.
    - c. Spotlights and floodlights elevated above the ground on poles, buildings, or other structures and used for area lighting must be adjusted so that their axis of illumination is at an angle not greater than 20 degrees measured from the vertical line between the fixture and the ground. This does not apply to outdoor recreational facilities addressed in Section 7.103.
  2. Any overspill of lighting over property lines does not exceed 0.3 foot-candle, measured vertically, and 0.3 foot-candle, measured horizontally, on adjacent properties.
  3. The ground-level luminance ratio (the ratio between the luminance of the brightest point on the property and the darkest point on the property) does not exceed 12:1.

4. Activities should be conducted indoors within an enclosed structure if they require more illumination than the maximum level permitted for outdoor lighting in this Section.

For purposes of this subsection, the site boundary adjacent to a canal shall be considered 30 feet from bulkheads.

- E. **Canopy Lighting.** Canopy lighting for uses that have sheltered outside work or service areas, such as fueling stations, shall meet the standards of this Section. All luminaires shall be fully recessed into the canopy so that they cannot be viewed from off-site from an eye height of 4 feet to protect automobile drivers from glare.
- F. **Outside Wall-Mounted Lighting.** Outside wall-mounted lighting shall also comply with the standards of this Section except that lighting required by the FAA shall comply with federal standards.
  1. **Lighting Under Awnings or Overhangs.** Partially shielded, directional, wall lighting is permitted in locations beneath awnings or overhangs with a minimum depth of 48 inches and such that light does not directly radiate into the open sky and light trespass conforms to the maximum levels described in subsection 7.102.D, above.
- G. **Glare.** Glare associated with nonresidential uses shall be controlled through the following design and operational practices:
  1. **Glare from Use.** Glare from any process (e.g. arc welding or acetylene torch cutting) that emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line or from any point that would create a hazard for other occupants or visitors to the property on which the activity is taking place.
  2. **Glare from Buildings and Structures.** Buildings and structures shall be designed and oriented to avoid glare that materially interferes with the safe operation of streets.
- H. **Operational Practices.** Nonresidential and multifamily uses shall implement the following practices to satisfy the purposes of this Article:
  1. **Reduced overnight lighting.** Nonresidential and multifamily uses shall reduce outdoor lighting between the hours of 11:00 PM and sunrise by turning off any non-emergency lighting. Lighting reductions are not required for any of the following:
    - a. With the exception of landscape lighting, lighting for residential properties including multiple residential properties not having common areas;
    - b. When the outdoor lighting consists of only one luminaire;
    - c. Code required lighting for steps, stairs, walkways, and building entrances;
    - d. Motion activated lighting;
    - e. Lighting governed by approval of a Specific Use Permit in which times of operation are specifically identified; or
    - f. Businesses that operate on a 24 hour basis.
  2. **Automated Teller Machine (ATMs) and night depositories.** Lighting shall be fully shielded with maximum illumination of 270 watts per location plus 100 watts per additional ATM per location.
- I. **Outdoor Lighting Plan.** New nonresidential construction projects with a gross floor area of 2,500 square feet or greater and any new Commercial Parking Lot, Parking Structure—Incidental to Main

Use, or Parking Structure—Mixed Use construction projects shall include an outdoor lighting plan. Plan Requirements:

1. **Site Plan.** Indicating the fixture type and location of all freestanding light fixtures, canopy lighting, and any lighting mounted to a structure. Must include the height of light fixtures, distance from property lines, and the aiming and shielding details.
2. **Maximum Illumination.** Map, diagram, or photometric survey depicting the overspill of lighting onto adjacent properties (if any) measured in foot-candles; and the ground-level luminance ratio.
3. **Glare.** Description of the design and method of installation of light fixtures to minimize, shade, or focus light away from projecting over property lines.
4. **Operational Practices.** Narrative or schedule describing practices that will be implemented to reduce overnight lighting.

### SEC. 7.103 LIGHTING FOR OUTDOOR RECREATION

- A. **Generally.** Baseball diamonds, playing fields, driving ranges, tennis courts and similar recreation uses that remain active after sundown and have unique requirements for nighttime visibility. The standards of this Section, and not Section 7.102, Nonresidential Lighting Standards, shall apply to outdoor recreation uses.
- B. **Fixture Type.** Light fixtures for illumination of playing courts and athletic fields shall be "cut-off" fixtures that limit lighting that is visible or measurable at the property line.
- C. **Maximum Freestanding Fixture Height.** No freestanding outdoor recreation light fixture shall be greater than 80 feet in height.
- D. **Maximum Illumination.** Outdoor field and court lighting shall be designed so that:
  1. The lighting is deflected, shaded, and focused away from adjacent properties and does not constitute a nuisance to such adjacent properties.
  2. Any overspill of lighting onto adjacent properties does not exceed 0.5 foot-candles, measured vertically, and 0.5 foot-candles, measured horizontally, on adjacent properties.
  3. The installation of a landscape buffer mitigates any excessive overspill of lighting onto adjacent property beyond the limitations in subsection 7.103.D.2, above.

### SEC. 7.104 SINGLE-FAMILY AND TWO-FAMILY LIGHTING

Outdoor lighting on single-family and two-family lots shall be designed so that:

- A. **Fixture Type.** Fixtures are shielded so that the light source is not visible from abutting properties, and so that the light cast on abutting properties does not exceed 0.1 foot-candles on the ground at the property line and on any window plane on the abutting property; and
- B. **Operational Practices.** Any motion sensor security lighting shall be pointed away from windows on abutting properties.

### SEC. 7.105 STANDARDS NEAR BEACHES AND OPEN WATER

This Section is intended to provide special protection for beach and open water areas from excessive artificial lighting and glare, for the enjoyment and aesthetics of these resources, and to protect associated habitats and recreational activities. The standards of this Section apply to areas 50 feet landward of open water or public beach except for all permitted commercial fishing piers south of Seawall Boulevard and land south of Seawall Boulevard between 61<sup>st</sup> Street and 45<sup>th</sup> Street, 25<sup>th</sup> Street and 19<sup>th</sup> Street, and 10<sup>th</sup>

Street through Stewart Beach Park. For purposes of this Section, the site boundary adjacent to a canal shall be considered 30 feet from bulkheads.

- A. **Structures On or Adjacent to Open Water.** For such structures adjacent to Residential, Multifamily, or Nonresidential uses, light trespass onto adjacent properties shall not exceed 0.1 foot-candles.
- B. **Standard for Certain Structures and Uses.** Personal boat docks, boathouses, and marinas use shall conform to the standard of this subsection and not the standard of subsection 7.105.A, above, when adjacent to a subdivision canal bulkhead structure. In such cases, light trespass onto adjacent properties shall not exceed the following maximum levels at the property line or site boundary:
  - 1. **Adjacent to Residential Use.** 0.1 foot-candles.
  - 2. **Adjacent to Multifamily or Nonresidential Uses.** 0.2 foot-candles.
- C. **Fishing Lights.** All fishing lights (free standing or mounted to a structure) over or adjacent to open water shall be no taller than 20 feet from mean high tide, fully shielded and deflected, and shaded and focused away from projecting light over property lines. The use of fully submerged lighting fixtures is encouraged.

## **SEC. 7.106 PUBLIC SAFETY AND PUBLIC NUISANCE**

- A. **Generally.** The City may require the modification, removal, or limited operation of existing or new lighting fixtures found to be a public hazard or public nuisance according to the criteria of this Section.
- B. **Hazard.** Criteria for finding illumination to be a public hazard are as follows:
  - 1. Light trespass or glare that is sufficiently intense or contrasts excessively with surrounding illumination, regardless of the intensity of the surrounding illumination, in a manner to cause impairment of visual performance or to distract from or impair the safe operation of a vehicle.
  - 2. Light trespass or glare that impairs a person's visual performance or ability to avoid obstacles in their path.
- C. **Nuisance.** Criteria for finding illumination to be a public nuisance are as follows:
  - 1. Light trespass or glare that deprives an owner or occupant of usual and reasonable use and enjoyment of his property.
  - 2. A high frequency or duration of periods when light trespass or glare is sufficient to interrupt or interfere with usual and reasonable use and enjoyment of a property.
  - 3. Light trespass or glare that causes visual discomfort or impairment of visual performance in a manner that deprives any person from the usual and reasonable enjoyment of the public streets and properties of the City.

## **Division 7.200 Definitions**

### **SEC. 7.201 DEFINITIONS RELATED TO OUTDOOR LIGHTING**

**Cut-Off** means the point at which all light rays emitted by a lamp, light source, or luminaire are intercepted by a shield that prevents their continuation.

**Foot-Candle** means a unit measuring the amount of illumination produced on a surface. One foot-candle is the amount of illumination falling on all points which are 1 foot from a uniform point source of one candle.

**Glare** means brightness of intensity sufficient to cause discomfort to a viewer and reduce the ability to see and, in extreme cases, to cause temporary blindness.

**Illuminance** means the amount of light falling on a surface measured in foot-candles.

**Lamp** means a source of light more commonly known as a bulb.

**Lumen** means a unit of luminous flux. One foot-candle is 1 lumen per square foot. For the purposes of this regulation, the lumen-output values shall be the initial lumen output ratings of a lamp. The lumen rating associated with a given lamp is generally indicated on its packaging or may be obtained from the manufacturer.

**Luminaire** means a complete lighting unit consisting of a lamp or lamps, together with any reflectors, refractors, diffusers, baffles, lenses, or other devices to distribute the light and with parts to position and protect the lamp and to connect the lamps to the power supply. Also known as a light fixture.

**Night** means the period of time between 30 minutes after sunset to 30 minutes before sunrise.

**Open Water** means any body of water directly connected to or part of the Gulf of Mexico or Galveston Bay not including navigable canals internal to subdivisions. Open water also includes areas adjacent to Sweetwater Lake, the Crash Boat Basin, Offatts/English Bayou, and Lake Madeline.

**Public Beach** means all areas seaward of the dune protection line and the area south of Seawall Boulevard, west of Ferry Road.

# ARTICLE 8. PARKING AND LOADING

## Division 8.100 Purpose and Applicability

### SEC.8.101 PURPOSE

A. **Purpose.** The purpose of this Article is to ensure that:

1. Adequate off-street parking is provided for uses that are permitted by these regulations.
2. Sufficient parking is provided in nonresidential areas that are near residential neighborhoods so that the character and quality of life in the residential neighborhoods are protected from overflow parking.
3. Off-street loading areas are designed so that loading-related circulation and activities do not interfere with the function of other vehicular use areas.

### SEC. 8.102 APPLICABILITY

A. **Applicability.**

1. **New Development.** All new development shall provide all of the parking spaces required by a zoning district and shall comply with all other provisions of this Article.
2. **Additional Parking Demand.** Expansions to existing development and changes in use that require additional parking shall provide parking only to the extent of the new demand created by the expansion or change in use.
3. **Reduced Parking Demand.** Upon a change in use of an existing building, the new use shall not be prevented from eliminating existing parking spaces that exceed the number required for the new use.
4. **Exemptions by District.** Except as may be required for particular uses by Article 2, Uses and Supplemental Standards, no off-street parking is required for uses in the CB District. In the HI District, the off-street parking exemption is only for residential uses.
5. **Exemptions by Property.** In all zoning districts that require off-street parking, such parking shall not be required on a property that meets all of the following criteria:
  - a. The building was constructed prior to January 1, 1968;
  - b. The parking requirement for the applicable land use does not exceed five parking spaces;
  - c. The total gross floor area of the land use does not exceed 2,000 square feet; and
  - d. The applicant has exhausted all options provided in this Article for reducing the off-street parking requirement including shared parking, off-site parking, and credit for on-street and public parking.
6. **Timing of Compliance.** No certificate of zoning compliance or certificate of occupancy shall be issued unless and until off-street vehicular parking is provided in accordance with this Article.

## Division 8.200 Parking Calculations

### SEC. 8.201 CALCULATION OF REQUIRED PARKING SPACES

- A. **Generally.** Required Parking Spaces for a particulate zoning district are identified in zoning district tables in Article 3, District Yard Setback and Setback Standards. The number of required spaces is based on one or more independent variables, which are measured as provided in this Section.
1. **Fractional Spaces.** When the number of required parking spaces results in a fractional space, the fractional space shall be rounded up to the next highest whole number.
  2. **Residential Driveways.** For a single-family or two-family residential use in any zoning district to satisfy its associated off-street parking requirement, a driveway on the same lot, whether unenclosed or enclosed by a garage or other structure, must provide a minimum area of 9 feet wide x 20 feet long per vehicle outside of the street right-of-way and on the driveway.
- B. **Unlisted and Functionally Similar Uses.** A proposed use that is not listed in Table 2.201, Uses by District, shall be required to meet the parking standards of the use category or functionally similar use it is determined to be most similar.
- C. **Maximum Parking.** In addition to the minimum parking standards set out in this Section, the quantity of off-street surface parking shall also be limited to avoid excessive provision of vehicular parking, encourage shared parking arrangements, reduce the proportion of developable land devoted to parking, reduce impervious surfaces, assist with storm water management, offset the urban “heat island” effect, and encourage alternative travel. This subsection shall not apply to commercial parking lots or structures.
1. **Cap on Off-Street Parking.** For any use that must provide 50 or more off-street surface parking spaces to comply with this Article, the total number of off-street surface parking spaces provided for the use shall not exceed the applicable maximum parking limit in Table 8.201 below. The maximum parking limit shall be applied to the use before applying any available parking reductions or credits provided in this Article. Any reduced-size spaces provided for motorcycles, scooters, golf carts or bicycles as provided in this Article shall not count toward the maximum parking calculation.

Table 8.201 Cap on Off-Street Parking	
Spaces Required by this Article	Limit on Total Spaces (percent of required spaces)
50-249	125 percent
250-499	120 percent
500 or more	115 percent



2. **Parking Study Option.** A development applicant may propose a site-specific study in accordance with Section 8.202, Special Parking Studies, to demonstrate that unique characteristics of a proposed use, or mix of uses, justifies an amount of off-street parking that exceeds the established cap. Potential mitigating factors may include:
  - a. The proposed use of rooftop parking, garage parking or unenclosed parking below an elevated building to reduce the extent of parking coverage on the site;
  - b. The proposed dedication of some proportion of the off-street parking for free public parking; or
  - c. A shared parking arrangement with one or more other properties that will cause the subject property to accommodate additional parking beyond the needs of its own use(s) so as to yield a net reduction in the overall parking provided across all the participating properties.
- D. **Off-Site Parking.** Spaces needed to meet parking requirements for a use may be located off-site on a separate property provided that the most distant parking space that is located off-site is no more than 600 feet from the site, measured as a radius from property lines. Additionally, the off-site parking shall not be separated from the use by an arterial street other than Seawall Boulevard, by a limited-access highway, or by any other impediment to pedestrian circulation.
  1. **Extent of Off-Site Parking.** Up to 100 percent of the total required off-street parking spaces may be located off site. None of the required parking spaces for disabled persons shall be located off site. None of the off-site parking shall involve or displace the off-street parking required of another use except through a shared parking arrangement under this Article.
  2. **Required Pedestrian Link.** An identifiable and publicly available pedestrian connection shall exist between the off-site parking area and the use.
  3. **Agreement for Off-Site Parking.** Any proposed off-site parking arrangement and the continued availability of the dedicated parking shall be documented through a written legal agreement executed by the involved property owners. An agreement shall be reviewed by and be satisfactory to the City Attorney as to form; sufficiency and manner of execution; and shall bind all heirs, successors, and assigns. Off-site parking privileges shall continue in effect only as long as the agreement, binding on all parties, remains in force.
    - a. If there is a change in circumstances regarding the off-site parking area that displaces, reduces, or terminates the required parking, the owner of the use served by the off-site parking shall promptly notify the Development Services Director about the changed circumstances and their plans for maintaining full compliance with this Article.
    - b. Failure to notify the Planning Director of changed circumstances or to provide the required parking within 90 days of the loss of required parking, shall be cause for initiating revocation of the certificate of zoning compliance or certificate of occupancy for the use.
- E. **Parking Spaces for Disabled Persons.** The number of parking spaces that are designed and designated for disabled persons shall comply with the requirements of the *Texas Accessibility Standards*.
- F. **Uses that Involve Fleets or Vehicle Inventory.** Uses that involve fleets of vehicles and uses that involve vehicle inventories shall provide parking for the fleet or inventory. Such parking shall not count toward the off-street parking requirements of this Section.

## **SEC 8.202 SPECIAL PARKING STUDIES**

**Generally.** Some land uses have nonlinear or widely varying parking demand characteristics. This section authorizes the preparation of a parking study to identify site specific parking requirements.

**A. Requirements.** The special study shall provide:

1. If enough comparable cases are not available within the City, a peak parking analysis of at least five functionally comparable uses within the City or in other communities in the region as approved by the Development Services Director.
2. Documentation regarding the comparability of the referenced uses including name, function, location, floor area, parking availability, access to transportation network, use restrictions, hours of operation, and other factors that could affect the parking demand.
3. Evaluation of the implications if the applicant intends to pursue this option.

**B. Conduct of Study.** The special study shall be conducted by a professional engineer or by a transportation planner or architect with experience in parking analysis and planning.

1. The City may:
  - a. Retain a qualified specialist, at the applicant's expense, to prepare the special study; or
  - b. Approve the applicant's proposed specialist to prepare the special study.
2. The City Manager or designee, in consultation with the City Engineer, shall review the study findings and recommendations and either:
  - a. Accept the recommended off-street parking supply for the use, or mix of uses, and approve this amount as the site-specific requirement in satisfaction of this Article.
  - b. Request further study or clarification in case of uncertainty or disagreement with the study findings or recommendations, which may lead to the conclusion in subsection 8.202.B.2.a, above, or in subsection 8.202.B.2.c, below.
  - c. Reject the recommended off-street parking supply for the use or mix of uses and require conformance to the standard requirements of this Article, in which case the applicant may appeal the decision as provided in Section 13.900, Administrative Appeals, of these regulations.

**C. Future Parking Reserve.**

1. As a condition of approving a site-specific off-street parking requirement recommended by a special study, a use shall be required to reserve an open area on the site for additional parking if the Planning Director finds that:
  - a. There is a demonstrably high probability the use could change, resulting in a higher demand for parking;
  - b. The case involves a phased development with the potential for a change in the nature or mix of uses in later phases resulting in a higher demand for parking; or
  - c. The variability in the special study justifies the reservation of additional land to mitigate a material risk that the use may be insufficiently parked.
2. If a case is not already subject to Planning Commission review, the Planning Commission shall review and approve the applicant's plan for a future parking reserve that is required under this

Section. Areas that are reserved shall be appropriately located, be of sufficient dimension to provide for the additional parking, and connect to existing parking areas. Once the development is occupied and well established, if there is a surplus of parking, the property owner or development representative may request approval for additional development capacity and parking using the reserved area.

3. An applicant may appeal the administrative findings to the Planning Commission.

## SEC. 8.203 STACKING SPACES

- A. **Generally.** Uses with drive-through facilities shall provide vehicle-stacking spaces as set out in this Section and in Table 8.201, Required Stacking Spaces. Stacking spaces include the spaces at menu boards, service windows, and ATMs.

1. Size of stacking space: 8 feet wide x 18 feet long (exclusive of access drives and parking aisles).

Table 8.201 Required Stacking Spaces	
Land Use with Drive-Through	Stacking Requirement
Generally (if not listed below)	Three per drive-through lane or service window including the position at the window
Convenience stores and pharmacies	Four per drive-through lane or service window including the position at the window
Dry cleaner	Two per drive-through lane or service window including the position at the window
Financial institutions	Single drive-through lane: Six including the position at the service window/station  Multiple drive-through lanes: Five per lane including the position at the service window/station  ATMs: Three including the position at the ATM
Fueling stations	Three per fuel pump
Restaurants	Eight to each menu board  Three between menu board and service window OR if multiple windows (for payment and then service):  Four between menu board and the first window including the position at the first window  Two between first and second windows including the position at the second window
Vehicle wash	Automatic washes: 5 per bay  Full-service washes: 4 per bay  Self-service washes: 2 per bay

## SEC. 8.204 SHARED PARKING

A. **Mixed-Use Developments.** A use may provide fewer off-street parking spaces than the number of spaces required by this Article when the use is part of a mixed-use development that includes shared parking arrangements. Shared parking arrangements are encouraged by this Section as this tends to enhance the efficiency of land use and decrease impervious surfaces by capitalizing on the synergy between varied uses in close proximity that have different peak parking demand periods.

1. **Shared Parking Table.** Shared parking allows a reduction in the total number of required parking spaces when a parcel is occupied by two or more uses that typically do not experience peak parking demands at the same time. When any land or building is used for two or more use types that are listed in Table 8.204, Shared Parking Table, the minimum total number of required parking spaces may be determined by the following procedure:
  - a. Multiply the minimum required parking for each individual use type by the appropriate percentage listed in Table 8.204 for each of the designated time periods. Do not include parking spaces that are reserved for use by specified individuals or classes of individuals. Round up all fractions to the nearest whole number.
  - b. Calculate a sum for all uses for each of the five time periods. The minimum parking requirement is the highest of these sums, plus the reserved spaces, if any, that were not included in the multiplication in the first step.

Table 8.204 Shared Parking Table					
Land Use	WEEKDAY			WEEKEND	
	Night (12AM to 6AM)	Day (6AM to 6PM)	Evening (6PM to 12AM)	Day (6AM to 6PM)	Evening (6PM to 12AM)
Residential	100%	60%	90%	80%	90%
Office	5%	100%	10%	10%	5%
Commercial Retail	5%	70%	90%	100%	70%
Commercial Lodging	80%	80%	100%	50%	100%
Restaurant	10%	50%	100%	50%	100%
Commercial Amusement	10%	40%	100%	80%	100%
All others	100%	100%	100%	100%	100%

- c. The maximum reduction pursuant to Table 8.204 shall be 25 percent.
  - d. If an applicant proposes to reduce required parking through the provisions of Section 8.204, these reductions must be applied to one use within the proposed mixed-use development prior to calculating the shared parking reduction.
2. **Special Shared Parking Study.** As an alternative to the Shared Parking Table methodology, above in Table 8.204, an applicant may propose a special study to document the parking required for

mixed uses. This shall involve review of the peak parking demand periods for the proposed uses during a 24-hour weekday and each weekend day, and shall result in a proposed number of parking spaces to accommodate the combined peak hour parking demand. The study shall be conducted as provided in Section 8.201, Special Parking Studies. The study shall provide data on:

- a. The sensitivity of the proposed uses to change. For example, a center with no restaurant could have significant changes in parking if a restaurant was added.
- b. Similar mixes of uses in other areas of the community or surrounding region.
- c. Degree of variability of parking for individual uses including the average, range and standard deviation.

- B. **Site Under Different Ownership.** Adjoining developments with separate property ownership may propose shared parking arrangements in accordance with the purposes and procedure of subsection a., above, with the following conditions:
1. Table 8.204 shall be used to calculate the reduction in required parking to be achieved through a shared parking arrangement.
  2. A plan for interconnected parking areas shall be provided.
  3. Perpetual easements shall be recorded that provide for, at a minimum:
    - a. Cross-access among the parking areas and connections to enable parking by the different uses anywhere in the connected properties;
    - b. A pedestrian circulation system that connects uses and parking areas, making it easy and convenient to move between uses; and
    - c. Allocation of maintenance responsibilities.
- C. **Shared Alternative Parking.** The alternative parking proposed for one use may be consolidated with the alternative parking of an adjacent use if the parking location is within 150 feet of the entrance of the principal building associated with the use that would benefit from the off-site alternative parking. Such shared provision of alternative parking shall be evidenced by a written agreement executed by both property owners.

## Division 8.300 Parking and Loading Design

### SEC.8.301 Generally

Parking lot design and construction must comply with the Institute of Transportation Engineers, Traffic Engineering Handbook, 6<sup>th</sup> Edition.

## Division 8.400 Nonconforming Parking

- A. **Generally.** Nonconforming parking and loading areas are subject to the regulations of this Section.
- B. **Number of Parking Spaces.**
1. **Building Expansions and Expansions of Existing Uses.** If an existing building or use is expanded, additional parking shall be required only in proportion to the new area of the building or use.
  2. **Change of Use.** If the use of a building changes, resulting in a net additional demand for parking, then the number of parking spaces provided shall be brought into conformance with the requirements of Article 8, Parking and Loading.

3. **Redevelopment.** If an existing building is demolished or otherwise removed entirely from a property and a new building is constructed or another building moved to the property, parking shall be provided for the use of the new or relocated building as required by Article 8, Parking and Loading.
- C. **Size of Parking Spaces and Drive Aisles; Surfacing.** Parking spaces and drive aisles shall be sized and surfaced according to the requirements of Section 8.300.

# ARTICLE 9. LANDSCAPING

## Division 9.100 Purpose and Applicability

### SEC. 9.101 PURPOSE

- A. **Generally.** The requirements and standards set out in this Article are minimum standards and are intended to:
1. Protect and preserve the appearance and character of the community in accordance with the *City of Galveston 2011 Comprehensive Plan* and any adopted neighborhood or special area plans;
  2. Increase the compatibility of adjacent uses;
  3. Mitigate the effects of noise, dust, debris, artificial light intrusions, and other externalities created by the use of land;
  4. Promote the preservation of its healthy mature tree canopy; and
  5. Conserve water and promote the long-term viability of development landscaping by promoting the planting and maintenance of native Texas tree species and other types that are salt- and drought-resistant and resilient in a coastal environment.

### SEC. 9.102 APPLICABILITY

- A. **Applicability.** Unless otherwise indicated in this Article, this Article applies in the municipal boundaries to all new development, redevelopment, or as defined by Article 11.301, Non-Conformity. This Article also applies to existing trees and landscaping where specifically indicated.
- B. **Supplemental Standards.** Additional landscaping requirements may apply to properties located within overlay zones or other designated areas as provided in Article 10, Historic, NCD, HDDZ.
- C. **Exceptions.** The application of the requirements and standards in this Article shall be excepted in the following instances:
1. When the City is enforcing watering restrictions, the installation of new or replacement of previously installed landscaping shall not be required until the expiration of watering restrictions.
  2. Following the declaration of a natural disaster event in the City, the Development Services Director may waive the requirements in this Article for installation of new landscaping for up to twelve months in the area(s) of the declared disaster.

## Division 9.200 General Landscaping Requirements

### SEC. 9.201 GENERAL REQUIREMENTS

- A. **Generally.** Landscaping shall consist of a combination of such material as grasses, ground covers, shrubs, vines, hedges, trees or palms.

- B. **Visibility Clearance.** Vegetation and related on-site improvements installed to comply with the requirements of this Article shall also conform to the requirements of Section 34-6, Intersection Visibility, in the *City Code of Ordinances*.
- C. **Planting within City Right-of-Ways.** In addition to the requirements of this Article, installation of landscaping within the City's right-of-ways shall meet the standards of Section 32-5(e)(2) in the *City Code of Ordinances* and any other applicable Department of Public Works standards to protect underground and overhead utilities, street/sidewalk and drainage improvements, street lighting, and be sized to maximize reduction, through shading, of the heat island effect.
- D. **Appropriateness and Quality of Plantings.** All plantings shall involve species included on a City approved plant list and also comply with the following standards:
  - 1. **Undesirable Species.** No proposed landscape material shall appear on the *Invasive and Noxious Weeds* list for the State of Texas promulgated by the United States Department of Agriculture or on the *Texas Noxious and Invasive Plants* list promulgated by the Texas Department of Agriculture.
  - 2. **Viable Material.** All plant material to be installed shall have a habit of growth that is normal for the species and, when planted, shall be of sound health, vigorous growth, and free from insect pests, diseases, and injuries.
  - 3. **Required Planting of Locally Appropriate Species.** At least 50 percent of the proposed plantings of shrubs, hedges, and trees shall be native Texas species and other types that are salt- and drought-resistant and resilient in a coastal environment.

## Division 9.300 Parking Screening and Landscaping

### SEC. 9.301 PARKING LOT LANDSCAPING

- A. **Applicability.** The provisions of this Section shall apply to parking lot areas providing unenclosed, off-street parking, and loading spaces for 10 or more vehicles for residential uses; two or more vehicles for nonresidential uses and mixed-use developments; and for all vehicle washes, fueling stations, and all drive-in or drive-through establishments.
  - 1. **Excluded Areas.** All parking or loading areas (not including Parking Lots, Commercial Surface Parking Areas) located within Light Industrial (LI) or Heavy Industrial (HI) Districts, which are not, in whole or in part, within 600 feet of the right-of-way of Seawolf Parkway, Broadway Boulevard, Harborside Drive, or FM 3005 or within 300 feet of the property line of a residential use, a mixed-use development that includes residential use, or a residential zoning district boundary, measured as a radius from such a parking or loading area, shall not be required to install interior parking lot landscaping.
- B. **Right-of-Way Screening.** Visual screening, adequate to screen parked vehicles, shall be provided between any parking or loading areas and any street right-of-way abutting the site. Right-of-way screening shall consist of:
  - 1. **Minimum width.** 4 feet.
  - 2. **Required Elements.** Shrubs, hedges and trees. See Table 9.302 for size and spacing requirements.
  - 3. **Fence location.** Any fencing shall be installed on the interior edge of the right-of-way screening.



4. **Planter Boxes.** The use of planter boxes shall constitute compliance with the Article only in cases of the provision of right-of-way screening for existing parking lots.
- C. **Interior Landscaping.** The following interior landscaping is required for parking lots with 10,000 square feet or more of surface area:
  1. **Landscape Islands.** Interior parking lot landscaping shall be designed so that no parking space is located more than five spaces away from a landscape island that consists of:
    - a. Minimum width: 8 feet.
    - b. Minimum square footage: 200 square feet at a depth of 3 feet = 600 cubic feet.
    - c. Required Elements: Permeable surface of ground cover or grasses and minimum of one tree in accordance with SEC 9.201.
  2. **Parking "Rooms."** Any parking lot with more than 50 spaces shall be designed to create parking "rooms" separated by a landscaped median that consists of:
    - a. Minimum width: 8 feet
    - b. Maximum spaces per room: 10 spaces
    - c. Required Elements: Permeable surface of ground cover or grasses and trees. See Table 9.302 for size and spacing requirements.
- D. **Visual Screening from Residential Uses or Districts.** When any non-residential lot, tract, or parcel of land is located adjacent to an area used or zoned for residential purposes, visual screening shall be installed and maintained between the parking or loading areas and driveways, and the residential use or zoning district. The visual screening landscape strip shall consist of:
  1. **Visual Screening Landscape Strip.**
    - a. Minimum width: 4 feet
    - b. Required Elements: Solid fencing or hedges with a minimum fence height of 5 feet with hedges reaching the same height and providing a year-round visual obstruction within two years of planting.
- E. **Protection of Landscaping Areas.** All landscaping areas shall be protected from vehicular encroachment by the use of curbing or wheel stops.
  1. **Alternative Design for Drainage.** Curb lines may be interrupted to allow for storm water flows into biological treatment areas pursuant to an approved drainage plan, provided that the curb openings do not interfere with the curb's protective function.

## **SEC. 9.302 PLANTING STANDARDS**

- A. **Planting Standards.** All plantings in satisfaction of this Article shall comply with the standards in Table 9.302, Planting Standards, and with the requirements of Section 9.403, Continuing Care, Maintenance and Nonconforming Landscapes.

Table 9.302 Planting Standards			
Type	Characteristics	Size – Upon Planting	Arrangement / Method
Shrubs and Hedges	Non-deciduous species for hedges, from among those on the City approved plant list.	3 feet minimum prior to planting.	4 feet on center maximum spacing for shrubs.  Shrubs and hedges planted and maintained to form a continuous, unbroken, solid visual screen within one year of planting. Ornamental Grasses may be used if maintained in the same way.
Trees	From among tree species on a City of Galveston approved plant list.	6 feet minimum and 30 gallon minimum container  OR  1.5 inches minimum caliper	One tree for each 25 linear feet or portion thereof for large tree species and 20 linear feet for small tree species as listed in the City approved plant list, or portion thereof.
Palms	May be used in lieu of trees	6 feet of clear trunk height minimum	One palm for each 15 linear feet or portion thereof. The closer spacing is required due to the limited shade provided by Palms.
Lawn Grass	From among turf grass species on a City approved plant list.	n/a	Grass areas may be plugged, sprigged or seeded except that solid sod shall be used in swales or other areas subject to erosion.
Ground Cover	May be used in lieu of turf grass.	n/a	Shall be planted in such manner as to present a finished appearance and reasonably complete coverage within six months after planting.
Irrigation	All landscaped areas must have an irrigation plan.	n/a	An automatic drip or surface system is recommended for trees, shrubs, and groundcovers. Plans will be designed so that no irrigation water runs from the site.

## SEC. 9.303 CREDITS

- A. **Right-of-Way Landscaping:** With approval of the Director of Public Works, landscaping that satisfies the right-of-way screening requirement for parking areas may be installed in the right-of-way. Up to 50 percent of the minimum landscaping area requirement shall be allowed within the right-of-way. However, for planting to occur in the right-of-way, the portion of right-of-way outside the paved street shall be at least 10 feet wide and provide a sidewalk with a minimum width of 5 feet. The Director of Public Works must determine that the condition of the existing sidewalk is acceptable. If determined to be unacceptable, the sidewalk must be repaired prior to the installation of landscaping.
- B. **Mature Tree Preservation.** Healthy, mature trees that are preserved on-site shall count as more than one tree for the purposes of landscaping requirements, as set out in Table 9.303, Mature Tree Preservation Standards.
1. **Quality of Existing Trees.** Existing mature trees that may qualify for protection and generate landscaping credit shall:
    - a. Appear on the City approved plant list; or

- b. Be established for at least five years; and
- c. Not be:
  - i. Over mature;
  - ii. Diseased;
  - iii. Poor in form; or
  - iv. Unstable or leaning significantly.

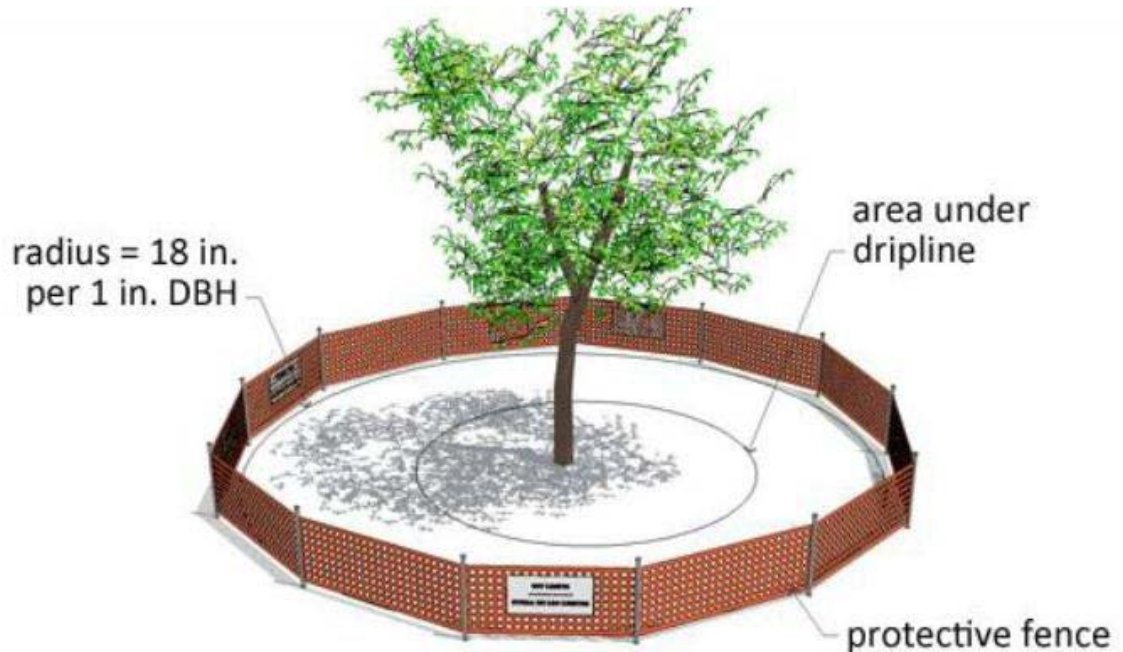
Table 9.303 Mature Tree Preservation Standards			
Diameter at Breast Height	Tree Height	Years Established	Credit
10– 15 inches	32-39 feet	15	3 new trees
+15 inches	+39 feet	+15	5 new trees
3 inches, largest stem of multi-trunked small tree species	+20 feet	15	3 new trees

- 2. **Certification of Requirements.** The requirements of Section 9.303.B and Table 9.303 shall be certified by an International Society of Arboriculture certified Arborist or degreed Forester.
- C. **Transplanting Existing Mature Trees.** Credit shall be given for mature trees that are transplanted from one part of the parcel proposed for development to another if:
  - 1. The trees are transplanted according to the American National Standards Institute (ANSI) standard for tree planting, ANSI A300 Part 6.
  - 2. A surety bond is provided that will ensure replacement of the transplanted tree with the number of new trees for which credit was given according to Table 9.303. The surety bond shall be effective for a period of two years from the date the tree is installed in its new location.
  - 3. The tree preservation credit is applied toward the requirements for the area of the parcel proposed for development in which the existing tree is planted. If there are no requirements for that area, the credit shall apply first to other areas of the parcel, and then to parking lot landscaping requirements, as applicable.

## SEC. 9.304 TREE PROTECTION DURING CONSTRUCTION

- A. **Generally.** Existing trees that qualify to generate credit against landscaping requirements, as provided in this Article, shall be protected during on-site development and construction activities according to the requirements of this Section.
- B. **Identification of Protected Root Zone.** The protected root zone is the larger of:
  - 1. The area under the drip line of the tree; or
  - 2. A radius that extends from the center of the trunk 18 inches per each 1 inch of diameter at breast height (DBH) of the protected tree. See Figure 9.304, Protected Root Zone.

**Figure 9.304**  
**PROTECTED ROOT ZONE**



**C. Restrictions within Protected Root Zone.**

1. Each protected root zone shall be barricaded during construction to prevent damage to the tree and its roots by construction equipment or soil compaction. The barricades shall be posted "Off Limits/Fuera de los Límites." A contiguous fenced area may enclose multiple protected root zones.
2. No cutting, filling, or storage of building materials or debris or disposal of wastes shall take place within a protected root zone.
3. No impervious paving shall be placed within a protected root zone.

**D. Tree Care during Construction.** Protected trees shall be cared for regularly during construction as follows:

1. Regular watering if rainfall is inadequate;
2. Pruning of branches that are dead, diseased, hazardous or detrimental to natural form; and
3. Fertilizing if nutrient stress is apparent.

## **Division 9.400 Landscape Approval and Maintenance**

### **SEC. 9.401 LANDSCAPE APPROVAL**

- A. **Generally.** The proposed landscape installation plan shall be submitted with the building permit application.

1. **Parking Area Improvements.** All proposed parking area improvements, including resurfacing and restriping, shall be reviewed by the Director of Planning or designee to confirm if any applicable requirements of this Article will be satisfied and so that a certificate of zoning compliance may be issued to the applicant.
- B. **Landscape Detail.** The proposed landscape installation shall address the elements set out in this Section that are applicable to the type of development approval sought or the conditions of the site. The Development Services Director may specify additional information as needed to verify compliance with these regulations. The Development Services Director may also specify that certain information items are not relevant or necessary for a particular case.
  1. **Minimum Required Landscape Detail.** Shall include a plan view drawing prepared at a standard scale that ensures clarity of the proposal which shall indicate:
    - a. Dimensions and surface area for each planting area including parking lot landscaping areas;
    - b. The location and quantity of trees and shrubs to be installed which shall be drawn at three-fourths of mature size and annotated with genus, species, common name, salt and drought tolerance and size at planting;
    - c. The location, quality, caliper, and protected root zone of trees that are to be preserved on the site;
    - d. The location and extent of areas of groundcover; the groundcovers, turf, seed or inorganic materials to be installed or planted; and the type of underlayment proposed to be used, if any; and
    - e. Dimensions and locations of sight distance triangles.

#### **SEC. 9.402 INSTALLATION**

- A. **Installation.** The owner, tenant, and agent, if any, shall be jointly and severally responsible for installing landscaping according to accepted commercial planting procedures with the quality of plant materials as hereinafter described. All elements of landscaping shall be installed to meet all applicable ordinances and code requirements of the City.
- B. **Time Extension.** A time extension of up to six months from the date of the certificate of occupancy shall be available for the installation of landscaping required by this Article. In such cases, a temporary certificate of occupancy shall be issued and the applicant shall provide a letter of credit, with a minimum two-year duration, in the amount of 150 percent of the bid for installation of all required landscaping. Failure to complete the installation within the time extension granted shall result in cashing of the letter of credit and shall also constitute a violation of these regulations. The funds from the letter of credit will be deposited in an account dedicated to landscaping and trees for the Parks and Recreation Department.
  1. **Phased Development.** Installation of landscaping with each phase of a multi-phase development shall be permitted provided that all landscaping required for each phase is installed concurrently with each phase, subject to potential time extensions granted under subsection 9.402.B, above. The City Attorney may require execution of a development agreement with the City to clarify phasing plans and timing, and to provide surety.

## **SEC. 9.403 CONTINUING CARE, MAINTENANCE AND NONCONFORMING LANDSCAPING**

- A. **Maintenance Responsibility.** The owner of the lot or parcel, any tenant, or the manager or agent which may be a mandatory property owners' association if such is provided in the association's governing documents, shall be jointly and severally responsible for the maintenance of all landscape areas including abutting landscaped portions of public street right-of-ways, in compliance with all applicable ordinances and as approved at the time of the issuance of the certificate of occupancy, to maintain them in a healthy, growing, neat, and orderly condition at all times.
- B. **Maintenance Standards.**
1. All landscape areas shall be kept free from refuse and debris.
  2. All landscape areas shall be watered as needed to ensure continuous healthy growth and development.
  3. Landscape areas including landscaped portions of abutting public right-of-ways shall be pruned as needed to present a healthy, neat, and orderly appearance at all times. Topping, lion tailing, tipping, bark ripping, flush cutting, and stub cutting are prohibited for trees that are installed and maintained within a public street right-of-way or were planted or preserved on private property pursuant to an approved landscape plan.
  4. Maintenance shall include the removal and replacement of dead, dying, or diseased plant material.
- C. **Replacement.** Replacement of required landscaping that is dead or otherwise no longer meets the standards of this Article shall occur following notification by the City. A planting plan and schedule shall be submitted within 45 days from the notification by the City. Failure to replace according to the approved planting plan and schedule shall constitute a violation of these regulations.
- D. **Utility Effects.** Nothing in this Section shall require any application or permit from any public utility provider, or any City permit to such provider, prior to removing a tree whenever the utility provider has determined the tree poses a hazard or interferes with restoration or continuation of utility services.
- E. **Nonconforming Landscaping**
1. **Nonconforming Parking or Loading Areas.** Any parking or loading area that does not conform with the landscaping requirements of Article 9, Landscaping, shall be made to conform upon:
    - a. New construction involving 100 percent structural construction if the subject parcel had no existing buildings at the effective date of these regulations;
    - b. Tear-down and 100 percent reconstruction of a building on the subject parcel;
    - c. Improvements, the cost of which are greater than 33 percent of the market value of the property; or
    - d. For commercial complexes that provide more than 75 parking spaces to serve the overall development, improvements, the cost of which equals or exceeds 10 percent of the market value of the land on the current tax role. All improvements shall be

cumulative within a 24-month timeframe. For commercial complexes that consist of multiple parcels, the required landscaping shall be installed on all parcels.

## **Division 9.500 Tree Preservation**

### **SEC. 9.501 PROTECTION OF EXISTING SIGNIFICANT TREES**

- A. **Generally.** Sites shall be designed to preserve existing trees and tree stands that are considered “significant” as provided in this Section. Although not included in this Section, small trees provide benefits to the community as well. Species such as Yaupon, Possumhaw, Flameleaf Sumac, Wax Myrtle, and Redbud are native to the Island and Texas and highly adapted to the coastal environment. Small trees such as these with a 3 inch diameter at breast height (DBH) of the largest stem are encouraged to be preserved and are eligible for planting credits in Table 9.303, Mature Tree Preservation Standards.

For the purposes of this Division:

1. A significant tree has a diameter at breast height (DBH) of 10 inches or greater; and
  2. A significant tree stand is a group of trees with interconnected canopies that cover a total of at least 10,000 square feet of ground area.
- B. **Removal of Significant Trees and Stands of Trees.** The City Manager or City Arborist, if applicable, may approve the removal of a significant tree or tree stand if it is demonstrated that:
1. No reasonable alternative site design at the same development intensity could be approved that:
    - a. Would preserve the tree(s);
    - b. If large-scale preservation is not possible, would preserve the largest of the trees; or
    - c. If protection of the largest tree(s) is not possible, would preserve a greater number of trees than the proposed development design.
  2. It is located within 10 feet of an approved building footprint of new construction or addition;
  3. It is located within 6 feet of a utility easement and would interfere with the use of the easement as determined by the City Engineer;
  4. It is located within 8 feet of an approved outdoor recreation area that by its nature requires the removal of the trees, such as ball fields;
  5. It is ordered removed by the City Manager for other emergency reasons; or
  6. It is certified to the City by an International Society of Arboriculture Certified Arborist or degreed Forester as having one or more of the following conditions:
    - a. Unhealthy or structurally unsound;
    - b. Damaged by natural causes beyond the point of recovery;
    - c. Diseased beyond the point of recovery;
    - d. Poses a threat to the public and must be removed as a safety measure; or
    - e. No longer living.

- C. **Removal of Tree Stands.** Tree stands may be located across multiple parcels. In the event of an approved removal of a portion of a tree stand, the owner is encouraged to coordinate with adjacent property owners in order to reduce negative effects to the overall tree stand.
- D. **Exempted Trees.** Trees of any size that appear on the *Invasive and Noxious Weeds* list for the State of Texas promulgated by the United States Department of Agriculture or on the *Texas Noxious and Invasive Plants* list promulgated by the Texas Department of Agriculture are exempted from this Section and may be removed. Identification by an International Society of Arboriculture Certified Arborist and/or degreed Forester is recommended.

## **SEC. 9.502 TREE REPLACEMENT**

- A. **Generally.** The removal of significant trees or tree stands must be mitigated. All requests for the removal of significant trees or tree stands shall be accompanied by a tree mitigation plan. Mitigation shall be achieved by the planting of the same number of caliper inches removed, payment to the tree mitigation fund, or combination thereof.
- B. **Tree Replacement Required.** Significant trees or tree stands that are approved for removal shall be replaced based on one caliper inch of tree planted for one caliper inch of tree removed. All replacement shall occur on the property on which the removal occurred. All new tree species shall be from among tree species on a City approved plant list.

Trees planted as a requirement of this Section shall be inspected by the City Arborist, if applicable, for viability two years after planting. If the replacement trees are found to be dead or dying, they must be replaced following notification by the City. A planting plan and schedule shall be submitted within 45 days from the notification by the City. Failure to replace according to the approved planting plan and schedule shall constitute a violation of these regulations.

- C. **Tree Mitigation Fund.** In lieu of the tree replacement requirements, mitigation may be achieved through the contribution to an account dedicated to landscaping and trees for the City. The mitigation amount shall be established by the City Council as part of the annual budget process:
  - 1. \$125 per caliper inch of tree removed for 10 inch DBH to 12 inch DBH caliper trees.
  - 2. \$200 per caliper inch of tree removed for over 12 inch DBH caliper trees.
- D. **Combination.** Mitigation may be achieved through a combination of tree replacement and payment to the tree mitigation fund provided that the total of caliper inches approved for removal are mitigated.



# ARTICLE 10. OVERLAY DISTRICT STANDARDS

## Division 10.100 Galveston Landmarks, Historic Overlay

### Districts

#### SEC. 10.101 PURPOSE

Galveston is known nationwide for its historic architecture, cultural and historical traditions, and for the preservation of its historical, cultural, and architectural resources. Galveston's unique character has proven increasingly attractive to residents, business interests, and visitors to the City, positively affecting the community.

#### SEC. 10.102 HISTORIC DESIGNATIONS

Properties may be designated individually as a Galveston Landmark (GL) or collectively as a Historic Overlay District (HOD). Following designation as a GL or a HOD, affected property owners shall comply with the requirements of this Division, other ordinances of the City, and the City of Galveston *Design Standards for Historic Properties (Historic Design Standards)*, which are maintained by the Historic Preservation Officer.

- A. **Galveston Landmarks.** This designation may be applied to a structure, object, site, or building that is at least 50 years old and is deemed to have historic significance in accordance with the criteria in Section 10.104.A, below.
- B. **Historic Overlay District.** This designation establishes a historic district encompassing historic, contributing and non-contributing structures. Areas within a HOD retain their underlying zoning designation for land use and the overlay requires conformance to the *Historic Design Standards*.

#### SEC. 10.103 PROHIBITED ACTIONS

All properties designated GL under this Division and properties located within a HOD are subject to the requirements of this Article and the *Historic Design Standards*.

#### SEC. 10.104 CRITERIA FOR HISTORIC DESIGNATION

In evaluating proposed designations under this Division, the Landmark Commission shall consider the criteria provided in this Section.

- A. **Criteria for Galveston Landmarks.** In determining if a GL designation should be made, the Commission shall consider the following elements, one or more of which may be found sufficient for designation:
  - 1. Character, interest, or value as part of the development, heritage, or cultural characteristics of the City, Galveston County, the State of Texas, or the United States;
  - 2. Recognition as a recorded Texas Historic Landmark, National Historic Landmark, or entry in the National Register of Historic Places;
  - 3. Association with events that have made significant contributions to the broad patterns of local, regional, state, or national history;
  - 4. Association with the lives of people significant in the City, region, state, or national past;

5. Distinctive characteristics of a period or method of construction, or architecture, representative of, or a rare survivor of, the work of a master designer, builder, or craftsmen;
  6. Retention of elements that have yielded, or may be likely to yield, important information about local, regional, state, or national prehistory or history;
  7. Retention of interim physical alterations that themselves form an important part of the building's history;
  8. Representative of an established and familiar visual feature of a neighborhood, community, or city;
  9. Retention of historic integrity, meaning that the property possesses several, and usually most of the following aspects of integrity:
    - a. Location;
    - b. Design;
    - c. Setting
    - d. Materials;
    - e. Workmanship;
    - f. Feeling; or
    - g. Association.
  10. Likelihood of the continuation of a building's historical use or its potential adaptation for new uses without the need for major intervention that could seriously damage its historic character and integrity;
  11. Likelihood of preserving a building or structure with significant architectural value or is the surviving structure most importantly associated with a historic person or event even though the building or structure is no longer in its original location;
  12. Opportunity to preserve a reconstructed building that was accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan and when no other building or structure with the same association has survived;
  13. Opportunity to preserve a property that is primarily commemorative in intent but reflects an age, design, tradition, or symbolic value that has invested it with its own historical significance; or
  14. Opportunity to preserve a property that is of exceptional importance although this significance was achieved within the last 50 years.
- B. **Criteria for Historic Overlay Districts.** In determining if a historic overlay district should be established or amended, the Commission shall consider:
1. The same criteria as provided for GL in subsection 10.104.A, above, applied to the proposed area;
  2. The definition of and considerations for a HOD in the *Historic Design Standards*; and
  3. The criteria and considerations for proposed zoning map amendments provided in Division 13.600, Map Amendments.

## SEC. 10.105 DESIGNATION PROCEDURES

The designations under this Division for GLs and HODs are through common procedures as outlined in Table 10.105, Designation Procedures, along with certain variations unique to each type of designation.

Table 10.105 Designation Procedures		
Process Step	Galveston Landmarks	Historic Overlay Districts
<b>Application</b>	<ol style="list-style-type: none"> <li>Historic Preservation Officer (the Officer) provides applications prescribed by the Landmark Commission. <ol style="list-style-type: none"> <li>Must be submitted by at least 51 percent of the owners of the subject property and said owners shall swear or affirm that they are the majority of property owners and consent to the designation of a GL.</li> <li>Completed application, including all applicable documents and fees, submitted to Officer.</li> </ol> </li> <li>The City Council, Planning Commission, or Landmark Commission may initiate the designation process without a formal application.</li> </ol>	<ol style="list-style-type: none"> <li>Same as for GLs, except that applications must include a petition signed by property owners representing at least 51 percent of the land area in the proposed overlay district area who request the designation.</li> <li>The City Council, Planning Commission, or Landmark Commission may initiate the designation process without a formal application.</li> </ol>
<b>Administrative Review and Public Notice</b>	<ol style="list-style-type: none"> <li>Officer reviews and determines completeness of application in accordance with Section 13.304, Application Completeness Review.</li> <li>Upon determination of a complete application, Officer provides notices of the application and notice of a public hearing before the Landmark Commission in accordance with Section 13.308, Public Notice.</li> </ol>	Same as for GLs.
<b>Landmark Commission</b>	<ol style="list-style-type: none"> <li>Landmark Commission conducts a public hearing and considers the application based on the designation criteria and the public comment received. <ol style="list-style-type: none"> <li>Applicants may appear before the Commission in person or by agent and shall furnish the Officer all plans, specifications, drawings, renderings, and designs necessary for the Commission to render a final decision.</li> <li>The Commission shall, in an open meeting, recommend approval or denial of the application for designation as a GL. If the Commission recommends denial of the application, the Commission shall state the reasons why it recommended denial.</li> </ol> </li> <li>Following a final recommendation by the Commission, the Officer schedules a public hearing before the Planning Commission and provides notices of the public hearing in accordance with Section 13.308, Public Notice.</li> </ol>	Same as for GLs.

Process Step	Galveston Landmarks	Historic Overlay Districts
<b>Planning Commission</b>	<ol style="list-style-type: none"> <li>1. Planning Commission conducts a public hearing and considers the application, its consistency with the <i>City of Galveston 2011 Comprehensive Plan</i> and other relevant neighborhood or community plans, and the recommendation of the Landmark Commission. <ol style="list-style-type: none"> <li>a. Applicants may appear before the Planning Commission in person or by agent and shall furnish the Officer all plans, specifications, drawings, renderings, and designs necessary for the Commission to render a final decision.</li> <li>b. The Commission shall, in an open meeting, recommend approval or denial of the application for designation as a GL. If the Commission recommends denial of the application, the Commission shall state the reasons why it recommended denial.</li> </ol> </li> <li>2. Following a final recommendation by the Commission, Officer schedules a public hearing before the City Council and provides notices of the public hearing in accordance with Section 13.308, Public Notice.</li> </ol>	Same as for GLs .
<b>City Council</b>	<ol style="list-style-type: none"> <li>1. City Council conducts a public hearing and considers the application and the recommendations of the Landmark Commission and Planning Commission. <ol style="list-style-type: none"> <li>a. Applicants may appear before the Council in person or by agent and shall furnish all plans, specifications, drawings, renderings, and designs necessary for the Council to render a final decision.</li> <li>b. The Council shall, in an open meeting, either approve or deny the application for designation as a GL. The decision of the Council shall be final.</li> </ol> </li> </ol>	Same as for GLs .
<b>Recordation</b>	<ol style="list-style-type: none"> <li>1. Upon designation of a GL, the City Council shall cause the designation to be recorded in: <ol style="list-style-type: none"> <li>a. The official public records of real property of Galveston County; and</li> <li>b. The official zoning maps of the City and reflected in the associated zoning designations for individual properties.</li> </ol> </li> </ol>	Upon City Council adoption or amendment of a HOD, the City Council shall cause the designation to be recorded in the official zoning maps of the City of Galveston and reflected in the associated zoning designations for individual properties.

## SEC. 10.106 CERTIFICATE OF APPROPRIATENESS

### A. When Required.

1. **Galveston Landmarks.** A person shall not alter, change, relocate, or demolish a GL without first obtaining a certificate of appropriateness from the Landmark Commission in accordance with this Section and the regulations contained in all applicable ordinances or by obtaining administrative approval from the Officer for eligible activities as provided in Section 10.104.A, Criteria for Galveston Landmarks.

2. **Historic Overlay Districts:** A person shall not build, reconstruct, alter, change, relocate, or demolish a structure or building in a HOD without first obtaining a certificate of appropriateness from the Commission in accordance with this Section and the regulations contained in all applicable ordinances or by obtaining administrative approval from the Officer for eligible activities as provided in Section 10.104.A, Criteria for Galveston Landmarks.
  3. **Exception:** A certificate of appropriateness shall not be required for ordinary repair or maintenance of any exterior architectural feature of a Galveston Landmark provided such repair or maintenance does not involve a change in design, material, or outward appearance. In-kind replacement or repair shall be considered ordinary repair or maintenance.
- B. **Application.** The Officer shall provide application forms for a Certificate of Appropriateness. The applicant shall submit a complete application including all applicable documents and fees to the Officer.
  - C. **Review of Application.** The Officer shall review the submitted application and all documents and determine if additional information is required. Upon receiving all information necessary to constitute a completed application in accordance with Section 13.304, Application Completeness Review, the Officer shall handle the application administratively, if allowed, or forward the application to the Commission for consideration at its next regularly scheduled meeting, unless a special meeting is called.
  - D. **Administrative Review by Historic Preservation Officer.** The Officer may act on applications that are eligible for administrative approval and shall approve an application only after finding that the proposed activity is in compliance with the *Historic Design Standards*. The Officer, at his sole discretion, may refer any application eligible for administrative approval to the Commission for review and decision.
  - E. **Review by Landmark Commission.** The Commission shall conduct a public hearing and consider an application it is required or requested to hear following receipt of a complete application by the Officer and after the Officer provides the Commission any review comments or questions. Applicants may appear before the Commission in person or by agent and shall furnish the Officer all plans, specifications, drawings, renderings, and designs necessary for the Commission to render a final decision.
  - F. **Decision by Landmark Commission.** The Commission shall, in an open meeting, approve, approve with conditions or deny the certificate of appropriateness. If the Commission denies an application, the Commission shall state the reasons for the denial.
    1. **Consistency with Historic Design Standards for Approval:** To approve an application, the Commission must find that the proposed activity is in compliance with the *Historic Design Standards*.
    2. **Approval with Conditions:** The Commission may impose conditions of approval that are necessary to meet the intent of the *Historic Design Standards*.
    3. **Required Denial:** The Commission shall deny the application if it finds that the proposed work will have an adverse effect on:
      - a. The external architectural features of the GL;

- b. The external architectural features of the properties in the block or in the historic overlay district as a whole; or
- c. The future preservation, maintenance or use of the GL or of the properties within the HOD.

#### **SEC. 10.107 DEMOLITION**

A person shall not demolish or cause the demolition of a GL or a structure of any size or kind located within a HOD without securing approval as required by this Section. Review and permitting is an important element of achieving the goals of the *City of Galveston 2011 Comprehensive Plan*, but the demolition review and permitting process shall not be used to block demolition of structures without historic significance.

This Section does not affect the authority of the City to regulate, repair, demolish, or require corrective action to substandard buildings and dangerous structures. The Landmark Commission shall not deny a request for demolition of a structure that the City has determined to be structurally deficient.

- A. **Applicability.** The provisions in this Section apply to any structure designated as a GL or any structure in a HOD. They do not apply to properties in Neighborhood Conservation Districts (NCDs).
- B. **Application for a Certificate of Appropriateness to Demolish a Historic or Contributing Structure.** A property owner seeking demolition of a structure designated as a GL or of a structure in a HOD that the Officer determines is a contributing property shall submit to the Officer an application for a certificate of appropriateness requesting approval for demolition of the structure. The application shall include but may not be limited to all of the following:
  - 1. **Signatures of All Property Owners.** The application must be signed by all owners of the property.
  - 2. **Affidavits.** One or more affidavits in which:
    - a. The applicant swears or affirms that all information submitted in the application is true and correct; and
    - b. The owner(s) swears or affirms that they are the owner(s) of the subject property and that there are no other owner(s) of the property.
  - 3. **Statement of Reasons.** A statement of the reasons that the demolition is being sought and documentation in support of each reason cited.
  - 4. **Burden of Proof.** The applicant has the burden of proof in presenting all necessary facts and documentation to warrant approval of the application.
- C. **Procedure for Reviewing Proposed Demolitions.** The Officer shall review and act on all applications for demolition as specified in this Section. A building that is designated as a GL or that is classified as a contributing structure in a HOD shall not be demolished unless the Commission determines that preventing demolition would cause an economic hardship upon the owner. The following steps shall be completed to determine the appropriateness of a proposed demolition:
  - 1. **Confirm Historical Significance.** The Officer shall confirm whether the building is historically significant. In evaluating significance, the Officer shall determine if the building

is a designated GL it is considered to be a contributing structure to the district in that it meets the criteria for designation in Section 10.104, Criteria for Historic Designation or that it is listed as such in an officially adopted survey of historic resources.

Additionally, the Officer shall determine if the building retains historic integrity as defined in Section 10.104.A.9. If the building is confirmed as a designated GL or a contributing structure within a HOD, the Officer shall consider if there is any new information that would alter the building's status as a historic resource.

2. **Input from Other Parties.** The Officer may consult with other persons or entities including but not limited to the City departments, Texas Historical Commission, and local non-profit entities focused on historic preservation. Additionally, these agencies and entities may submit information to the Officer pertaining to a demolition request.
3. **Timing of Review Procedure.** Upon the filing of a complete application, the Officer shall attempt to conclude the review process under this subsection within 60 days from the date the complete application was received. An application shall not be deemed complete until the applicant has provided the Officer all requested information in accordance with Section 13.304, Application Completeness Review. In some cases, more time may be necessary to obtain information necessary to the significance determination from the applicant or other sources, and the applicant will be advised of this.
4. **Result of Significance Determination.** Following the review of the application materials submitted under Section 10.107.B, above, and the information gathered under this subsection, the Officer may:
  - a. Determine that the building lacks historic significance in which case a certificate of appropriateness for demolition may be issued; or
  - b. Determine that the building has historic significance in which case a certificate of appropriateness for demolition shall not be issued.

The Officer may refer any determination regarding historical significance or the appropriateness of proposed demolition to the Landmark Commission for review and decision.

5. **Appeal and Economic Hardship Options if Disapproved.** The owner may appeal a disapproval decision by the Officer to the Commission as provided in Section 10.110, Appeals. The owner also may request a determination of economic hardship as provided in subsection 10.107.E, below, which may provide a basis for demolition to proceed.
- D. **Delay of Demolition.** When the City determines that a structure designated as a GL or a contributing structure in a HOD is structurally deficient, the Landmark Commission may request that the Building Official or Building Standards Commission delay a demolition order for the purpose of seeking an alternative to demolition in such cases.
- E. **Claim of Economic Hardship.** After denial of a certificate of appropriateness for demolition under this Section, an applicant may commence the hardship process. No building permit or demolition permit shall be issued unless the Commission finds that a hardship exists.
1. **Burden of Proof.** When a claim of economic hardship is made due to the effect of this Section, the owner must prove that:

- a. He cannot realize a reasonable rate of return on the property unless the demolition is allowed regardless of whether the return realized is the most profitable return;
  - b. The structure cannot be adapted for any other use that would result in a reasonable rate of return on the property; and
  - c. He has failed during the last two years to find one or more purchasers or tenants for the property that would enable him to realize a reasonable rate of return on the property.
2. **Good Faith Efforts.** The applicant shall consult in good faith with the Commission, Officer, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property. Such efforts must be shown to the Commission.
3. **Required Information.** An applicant claiming an economic hardship shall submit the following information to the Officer. If any of the required information is not reasonably available to or otherwise cannot be obtained by the applicant, he shall describe the reasons. The Commission may specify that certain information items are not relevant or necessary for a particular case.
  - a. Nature of ownership (individual, business, or non-profit) or legal possession, custody and control.
  - b. Amount paid for the property, date of purchase, or other means of acquisition of title such as gift or inheritance and the party from whom purchased or otherwise acquired including a description of the relationship between the owner and the person from whom the property was purchased.
  - c. Financial resources of the owner and any parties in interest.
  - d. Drawings, photographs, or written descriptions depicting the current condition of the structure.
  - e. Assessed value of the land and improvements according to the two most recent assessments.
  - f. Real Estate taxes for the previous two years.
  - g. Verification of the presence or absence of a lien against the property from any agency.
  - h. Current fair market value of the structure and property as determined by an independent licensed appraiser.
  - i. All appraisals obtained by the owner or prospective purchasers within the previous two years in connection with the potential or actual purchase, financing, or ownership of the property.
  - j. Any listing of the property for sale or rent, price asked, and any offers received within the previous two years.
  - k. If the property is income-producing:
    - i. Annual gross income from the property for the previous two years;
    - ii. Itemized operating and maintenance expenses for the previous two years, including proof that adequate and competent management procedures were



- followed including but not limited to assurance of regular maintenance and inspection intervals of the property;
- iii. Annual cash flow, if any, for the previous two years and proof that efforts have been made by the owner to obtain a reasonable return on his investment based on previous service;
- iv. All capital expenditures during the current ownership;
- v. Annual debt service, if any, for the previous two years; and
- vi. Two separate detailed cost analyses conducted independently by contractors registered with the City who are proficient in rehabilitation and repair of historic structures that estimate the cost of making the building structurally sound and safe for use or occupancy.
- vii. A restoration study of the structure performed by a licensed architect that analyzes the feasibility of restoration or adaptive reuse of the structure.

**4. Review and Determination by Landmark Commission.**

- a. The Officer shall submit the claim for economic hardship to the Commission a minimum of 30 days before the Commission considers the claim. The Commission may require the applicant to furnish such additional information that the Commission finds to be relevant to its determination of the claim.
- b. The Commission shall conduct a public hearing and consider the claim no later than the 30<sup>th</sup> day following receipt of all the requested information. Applicants may appear before the Commission in person or by agent. Notices of all public hearings shall be in accordance with Section 13.308, Public Notice.
- c. The Commission shall attempt to render a final decision on the claim of economic hardship not later than the 60<sup>th</sup> day following the day of the public hearing. The Commission may decide or the applicant may request to continue consideration of a claim of economic hardship to a later meeting, which shall be done in accordance with Section 13.311, Continuances and Withdrawal.
- d. The Commission shall, in an open meeting, approve, approve with conditions or deny the claim of economic hardship. If the Commission denies an application, the Commission shall state the reasons for the denial. The Commission shall consider all of the following in making its decision:
  - i. The conditions the owner is required to prove under subsection 10.107.E.1, above.
  - ii. Whether the cost of restoration or repair would render the property incapable of earning a reasonable return, taking into account guidance in the *Historic Design Standards* for evaluating the reasonable cost of maintenance and rehabilitation needs including possible use of alternative materials or treatments and the potential for identifying locations on individual buildings where more flexibility in meeting the standards may be granted.
  - iii. The interest of preserving historic values will not be adversely affected or can be best served by such demolition.

- F. **Issuance of Demolition Permits.** If the Officer makes a finding of no historical significance and approves an application for demolition or if the Commission allows a demolition to proceed based on a successful claim of economic hardship and no appeal is made in accordance with this Division or other applicable law, the Building Official may issue a demolition permit if all other requirements pertaining to demolition are met. Nothing contained herein shall be construed to relieve the applicant of the necessity of obtaining any and all other permits required by the City or other agencies.
- G. **Successive Applications.** If an application for a certificate of appropriateness to demolish a structure is denied, an application that is substantially similar to the denied application shall not be accepted for one year from the date of the final decision unless the Commission waives the time limitation because the Commission finds that there are changed circumstances regarding the property that warrant a new hearing.

#### **SEC. 10.108 PROCEDURE TO ADDRESS DEMOLITION BY NEGLECT**

- A. **Documentation of Neglect.** The Officer and the Building Official shall document evidence of disrepair or neglect on designated GLs and contributing properties located within a HOD.
- B. **Notification of Property Owner.** If the disrepair or neglect does not rise to a level that warrants the Building Official's intervention, the Officer shall notify the property owner in writing, informing the owner of the specifics of the alleged deterioration and requesting that the owner appear before the Landmark Commission within 45 days of the date of the notification. The notification shall be provided to the owner either personally or by regular mail.
- C. **Hearing.** The Commission shall conduct a hearing in accordance with the procedures in Section 13.309.D.1 and 2. The purpose of the hearing is to enable the Commission to make a fuller and more accurate determination of the existence and degree of deterioration and the urgency for corrective action. The owner may appear before the Commission in person or by agent.
- D. **Required Action Upon Finding of Demolition by Neglect.** If the Commission determines that the deterioration has produced a detrimental effect on the historic integrity of the property, the Commission may order the owner to cure the deterioration by repair or other appropriate actions within a reasonable time period. If required by this Division, the owner must obtain a certificate of appropriateness for making the necessary repairs to correct the deterioration.
- E. **Claim of Economic Hardship.** Upon receiving a notification or corrective order under this Section, the property owner may make a claim of economic hardship through the procedure provided in Section 10.107.E, in which case the corrective order issued under this Section shall be stayed until the Commission makes its determination on the claim.
  - 1. **Corrective Order if Claim Unsuccessful.** In the event of a finding of no economic hardship, the Commission may direct the Officer to proceed with a corrective order as provided under this Section. The Commission may direct the Officer to coordinate with the property owner on a compliance plan and schedule to address the detrimental deterioration that is the focus of the corrective order.
  - 2. **Potential Voluntary Measures if Claim Successful:** In the event of a finding of economic hardship, the Commission may recommend options for addressing the detrimental deterioration while relieving the economic hardship, and the Officer may also recommend voluntary actions the property owner may take to address the detrimental deterioration.

## **SEC. 10.109 EMERGENCY PROCEDURES**

- A. **Immediate Repair.** If a GL is damaged and the Officer determines additional deteriorations likely to occur without immediate repair, the Officer may authorize the property owner or agent on behalf of the property owner to take temporary measures to stabilize and protect the structure. In such cases, the property owner or agent on behalf of the property owner shall apply for a certificate of appropriateness within 10 days of completion of the emergency corrective measures. The corrective measures authorized under this subsection shall not permanently alter the architectural features of the Landmark.
- B. **Emergency Demolition.** If, in the opinion of the Building Official, a GL or a structure located within a HOD exhibits unsafe and dangerous conditions, poses a fire hazard or other public health or safety risk, and such danger or hazard is so great and so immediate that time normally taken for evaluation of the structure or consideration by the Landmark Commission should be circumvented to prevent immediate and substantial harm to persons or property, the Officer is authorized to approve emergency demolition or removal of specific structural features that are the source of danger or hazard upon finding both of the following in consultation with the Building Official:
1. The structure to be demolished or the structural features to be removed, endanger public health, or safety due to the risk of immediate:
    - a. Physical damage to adjacent properties or structures from potential structural collapse or from pieces of the structure becoming detached and falling or blowing from the structure due to advanced deterioration or a serious state of disrepair;
    - b. Encroachment into or physical damage within abutting public right-of-ways due to the conditions described in item 10.109.B.1.a, above; or
    - c. Physical damage to public infrastructure, utilities, or other public facilities, and
  2. There is no reasonable way, other than demolition or removal of specific structural features to eliminate the immediate threat.

If the Officer is not able to make both required findings above, then the procedure in Section 10.107.C, Procedure for Reviewing Proposed Demolitions, for evaluating proposed demolitions shall be followed expeditiously.

The Officer shall give required notices to the property owner of any public hearings, public meetings, and final determination made under this subsection by the Commission. The Officer may invoke the emergency provisions of this Section if structural conditions change such that immediate and substantial harm is anticipated.

## **SEC. 10.110 APPEALS**

Decisions made by the Landmark Commission or the Officer may be appealed as provided in this Section. Appeals may follow from decisions involving proposed certificates of appropriateness for activities addressed by Section 10.106, Certificate of Appropriateness, and for demolition of a structure under Section 10.107, Demolition, and from decisions related to claims of economic hardship under Section 10.107.E, Claim of Economic Hardship.

- A. **Appeals to Landmark Commission.** The applicant or any person aggrieved by an administrative determination made by the Officer may appeal the Officer's decision to the Commission.

- B. **Appeals from Landmark Commission.** The applicant or any person aggrieved by a decision made by the Commission may appeal the Commission's decision to the Zoning Board of Adjustment.
- C. **Timing of Procedure for Appeal.** The party appealing a decision must submit a written request for appeal to the Officer not later than the 10<sup>th</sup> day following the date of the Commission's or the Officer's decision. Appeals shall be processed and decided in accordance with Division 13.900, Administrative Appeals.

## **Division 10.200 Neighborhood Conservation Districts**

Galveston is home to many unique and distinctive residential neighborhoods that contribute significantly to the overall character and identity of the City. These neighborhoods are worthy of preservation and protection but may lack sufficient historical, architectural, or cultural significance to be regulated as historic districts. Designation as a Neighborhood Conservation District (NCD) offers neighborhood control and input and shall follow the procedures in this Division and the procedures for a rezoning as provided in Division 13.600, Map Amendments. Following approval by City Council, NCDs will be subject to a neighborhood-specific plan and neighborhood design standards in addition to any standards contained in this Division.

### **SEC. 10.201 PURPOSE**

The purposes of a NCD are to:

- A. Protect and strengthen desirable and unique physical features, design characteristics, and recognized identity and charm;
- B. Promote and provide for economic revitalization;
- C. Protect and enhance the livability of the City;
- D. Reduce conflict and prevent blighting caused by incompatible and insensitive development, and to promote new compatible development;
- E. Stabilize property values;
- F. Provide residents and property owners with a planning tool for future development;
- G. Encourage and strengthen civic pride; and
- H. Ensure the harmonious, orderly, and efficient growth and redevelopment of the City.

### **SEC. 10.202 CRITERIA FOR NEIGHBORHOOD CONSERVATION DISTRICTS**

In determining if an NCD overlay should be established or amended, the Landmark Commission shall consider the following:

#### **A. Size Requirements.**

1. The area contains a minimum of three contiguous, full city blocks or six contiguous blockfaces unless there are unique and compelling circumstances for the designation.
2. Additions to existing NCDs:
  - a. Contains a minimum of one blockface;
  - b. May be non-contiguous;

- c. Is within the same neighborhood boundaries as the existing NCD, as defined by the City's neighborhood planning areas map; and
  - d. Possesses the same distinctive features as the existing NCD.
- 3. Requests for the establishment of a new NCD adjacent to an existing NCD must demonstrate distinctive features that warrant the establishment of a new district rather than incorporation into an existing district.
- B. **Age of Improvements.** At least 75 percent of the land area in the proposed district was improved at least 25 years ago. Improved is defined as the construction of a main habitable structure and is not defined as an accessory structure, fence, swimming pool, or other similar item.
- C. **Distinctive Features.** The area possesses one or more of the following distinctive features that create a cohesive identifiable setting, character, or association:
  - 1. Scale, size, type of construction, or distinctive building materials;
  - 2. Spatial relationships between buildings;
  - 3. Lot layouts, setbacks, street layouts, alleys, or sidewalks;
  - 4. Unique natural or streetscape characteristics such as parks, gardens, or street landscaping;
  - 5. Land use patterns including mixed or unique uses or activities; or
  - 6. Abuts or links designated historic landmarks or districts.

## **SEC. 10.203 PROCEDURES FOR NEIGHBORHOOD CONSERVATION DISTRICTS**

- A. **Initiation.** A rezoning application for designation as a NCD may be initiated as follows:
  - 1. **Property Owners.** A petition may be submitted by:
    - a. Property owners representing 51 percent of the land area within the proposed district; or
    - b. 51 percent of property owners within the proposed district.
  - 2. **Landmark Commission, Planning Commission, or City Council.** If the designation is initiated by the City, the Development Services Director shall arrange for:
    - a. Provision of a minimum of two notices, either hand delivered or mailed, to all affected property owners and tenants advising of the City's interest in designation of an NCD incorporating their property, inviting their participation, and advising of meeting times and dates; and
    - b. A minimum of two public forums, conducted by the Department of Planning with the affected property owners and tenants; and
    - c. Except as modified by this Section, NCD designations shall follow all the procedures for a rezoning as provided in Division 13.600, Map Amendments.
- B. **Neighborhood Conservation Plan.** Upon receipt of a petition or conclusion of the public forums, the Department of Planning shall develop a Neighborhood Conservation Plan (NCP) for the proposed district. All property owners within the proposed district shall be afforded

the opportunity to review and comment on the NCP, which shall be included as part of the ordinance creating an NCP. The NCP shall include, at a minimum:

1. Maps indicating boundaries, age of structures, and existing land use within the proposed district;
2. Maps and other graphic and written materials identifying and describing the distinctive neighborhood and building characteristics of the proposed district;
3. A list of all property owners with legal addresses, neighborhood associations, or other organizations representing the interests of property owners in the proposed district; and
4. Design standards for new construction of any building or structure, the relocation of any building or structure, or rehabilitation to the street facade of an existing building or structure.

C. **Neighborhood Design Standards.** The NCP shall include NCDs.

1. **Ordinary Repair and Maintenance Exempted.** The NCP shall not include provisions applying to those activities that constitute ordinary repair and maintenance, such as using the same material and design.
2. **Minimum Required Elements.** The NCD for each NCP must include or note the inapplicability of the following elements governing the physical characteristics and features of all property, public or private, within the proposed district:
  - a. Building height and number of stories;
  - b. Building size and massing;
  - c. Building relocation (in, out, and within district);
  - d. Front, side, and rear yard setbacks;
  - e. Lot size and coverage;
  - f. Off-street parking and loading requirements;
  - g. Paving and hardscape covering;
  - h. Principal elevation features; and
  - i. Roofline and pitch.
3. **Additional Elements.** The NCDs may also include but shall not be limited to the following elements:
  - a. Common architectural style and details;
  - b. Building materials;
  - c. Building orientation;
  - d. Density;
  - e. Driveways, curbs, and sidewalks;
  - f. Entrance lighting;
  - g. Fences and walls;
  - h. Floor area ratio;

- i. Garage entrance location;
  - j. General site planning;
  - k. Landscaping;
  - l. Right-of-way;
  - m. Signage;
  - n. Street furniture;
  - o. Solar systems, components;
  - p. Utility boxes and trash receptacles; and
  - q. Window/dormer size and location.
4. **Modifications.** Modifications to the Neighborhood Design Standards for an NCD shall be approved by City Council and may be initiated as follows:
- a. A petition may be submitted by:
    - i. Property owners representing 51 percent of the land area within the designated district; or
    - ii. 51 percent of the property owners within the designated district.
  - b. The City Council may initiate modifications, in which case the Development Services Director shall arrange for the same notices and public forums as under Section 10.203.A.2, above, for original designation of the NCD.

## **SEC.10.204 DEMOLITION OF STRUCTURES IN EXISTING NEIGHBORHOOD CONSERVATION DISTRICTS**

Proposed demolitions in NCDs established prior to the adoption of these regulations on October 30, 2014 are subject to Landmark Commission review and approval only if the Development Services Director finds reasons for potential disapproval in which case the proposed demolition shall be referred to the Commission for review and decision. The proposed demolition shall not be prohibited unless the Officer determines that the structure has historic significance and recommends that the Commission initiate the designation procedure for a GL in Section 10.105, Designation Procedures.

## **SEC. 10.205 ADMINISTRATION AND APPEALS**

Details of administration for each NCD may be spelled out in the ordinance approving a specific NCD. The following general provisions apply, unless otherwise stated in the adopting ordinance.

- A. **Neighborhood Ordinance Administration.** No building permit shall be issued by Building Official for demolition, relocation, new construction, or an alteration or addition to the street facade of an existing building or structure within a designated NCD without the submission and approval of design plans and the issuance of a certificate of zoning compliance by the Director of Planning.
- B. **Appeals.** An applicant may appeal a decision of the Development Services Director or the Officer to the Zoning Board of Adjustment. The party appealing a decision must submit a written request for appeal to the Development Services Director not later than the 10<sup>th</sup> day

following the date of the Director's or the Officer's decision. Appeals shall be processed and decided in accordance with Division 13.900, Administrative Appeals.

## **Division 10.300 Height and Density Development Zone (HDDZ)**

### **SEC. 10.301 PURPOSE**

- A. The purpose of this HDDZ is to create new prescriptive development standards for key areas of the city in order to:
  - 1. Promote development and redevelopment that is compatible in height, mass, and scale with surrounding neighborhoods and preserves view corridors and access to Gulf of Mexico breezes;
  - 2. Promote development and redevelopment that meets community objectives and supports an overall future vision for the island;
  - 3. Promote sustainable design within the overlay zones; and
  - 4. Allow for the continued growth and expansion of the local economy.
- B. For the purposes of this zone, density refers to the area of the development that is allowed on a site. In some cases, this area is described in units per acre, but in other cases is described using floor area ratio (in general, the ratio of the total floor area to the area of the lot).

### **SEC. 10.302 HEIGHT AND DENSITY CHARACTER AREAS**

The development standards of the HDDZ apply to all development within the designated Overlay Zones established on the Zoning Map. A series of character areas (subareas) is hereby established and these character areas are further defined in the separate *Height and Density Development Plan and Design Guidelines*. The approximate boundaries of each character area are:

- A. **Gateway.** 59<sup>th</sup> to Blume Street between Broadway Boulevard and Offat's Bayou/English Bayou.
- B. **Seawall East.** Inland side of Seawall Boulevard from Beach Drive to 6<sup>th</sup> Street.
- C. **Seawall Core A.** Inland side of Seawall Boulevard from 6<sup>th</sup> Street to 45<sup>th</sup> Street.
- D. **Seawall Core B.** Inland side of Seawall Boulevard from 45<sup>th</sup> Street to 61<sup>st</sup> Street.
- E. **Seawall West.** Inland side of Seawall Boulevard from 61<sup>st</sup> Street to Cove View Boulevard.
- F. **Seawall West to 11 Mile Road.** The area south of Stewart Road from Cove View Boulevard to 11 Mile Road.

### **SEC. 10.303 DEFINITIONS**

The following definitions shall apply to this Section.

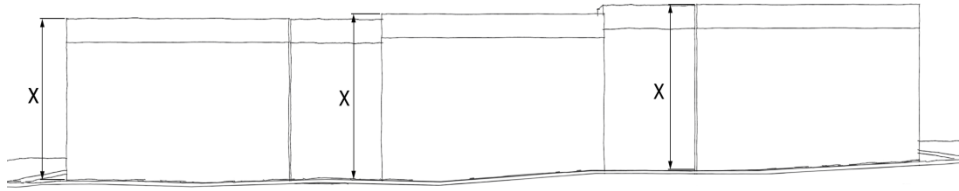
- A. **Building Footprint.** The area of the ground floor of a building calculated by multiplying the exterior width of the building at the ground floor by the exterior depth of the building at the ground floor.
- B. **Building Floor Plate.** The area of all portions of a building at a specific floor level as calculated using the outside perimeter of the building. For purposes of this ordinance, maximum floor



plate requirements limit the dimensions of any mid-rise portions of a building.

- C. **Build-To-Line.** The inside edge of the sidewalk at the front of the property. The build-to line may be the same as the front property line if all sidewalk area is located within the public right-of-way.
- D. **Community Benefits.** For purposes of the HDDZ, specific community benefits include the following:
  - 1. Inclusionary housing;
  - 2. Natural resource protection;
  - 3. Hotels;
  - 4. Parking space (public);
  - 5. Parking Space (Beach Access);
  - 6. Public Boat Launch;
  - 7. Public Park or Plaza;
  - 8. Public Restrooms;
  - 9. Public Trail or Path; and
  - 10. Public Transit Stop.
- E. **Floor Area Ratio (FAR).** The ratio of the total above-grade floor area of all structures on a lot to the total square footage of the lot.
  - 1. The following areas are not considered lot square footage for purposes of calculating floor area ratio:
    - a. Public street areas;
    - b. Street right-of-ways closed or abandoned after the adoption [April 28, 2008] of this ordinance;
    - c. Verified delineated Wetland areas; and
    - d. Dune protection areas.
  - 2. The following areas are considered above grade floor area for purposes of calculating floor area ratio:
    - a. All enclosed, roofed, above ground, building floor area;
    - b. The roofed interior floor area of all parking structures; and
    - c. Porches, loggias, gazebos, and other structures that are roofed but not enclosed on more than two sides by walls of habitable areas or parking structure to a maximum depth of 8 feet to 0 inches. Balcony depth greater than 8 feet to 0 inches will be considered for purposes of calculating floor area ratio.
- F. **Footprint.** See Building Footprint.
- G. **Floor Plate.** See Building Floor Plate.
- H. **Grade.** The elevation of the ground on April 28, 2008, the adoption of this ordinance;

- I. **Height.** Maximum height shall be measured to the top of parapet for a flat roof or to the roof ridge for a sloping roof including all areas, parking, or habitable. All height shall be measured continuously from existing or finished grade whichever is more restrictive as shown in Figure A. Where fill has been used to elevate finished grade for flood regulations, the City may make an exception to adjust the starting point for grade measurement up to 6 feet. For the purposes of Article 11, Nonconformities, the City must determine that the adjustment results in an improved ground level design as described in the *Height and Density Development Plan and Design Guidelines*. City Hall reviews the regulations related to height measurements in conjunction with adjustments to FEMA flood elevations.



**FIGURE A. Continuous Height Measurement**

- J. **Improved Public Open Space.** Open space areas that are visible and accessible to the public during daylight hours.
1. Areas considered improved public open space may include:
    - a. Plazas;
    - b. Courtyards directly accessible from the street;
    - c. Landscaped park or pocket park areas;
    - d. Landscaped front and side yard setback areas;
    - e. Landscaped areas within view corridors; and
    - f. Improved waterfront areas with direct public access.
  2. Areas not considered improved public open space:
    - a. Landscaping in parking areas;
    - b. Areas not visible from adjacent streets or located along through pedestrian connections; and
    - c. Fenced front or side yard areas.
- K. **Lot Coverage.** Lot coverage shall consist of all building footprints plus all impervious pavement (asphalt or concrete) on the site. Where areas are paved with pervious materials such as pavers, grasscrete, turf blocks, permeable asphalt, or other pervious material approved by the City Engineer, only 75 percent of the area shall be considered impervious cover.
- L. **Low-rise.** A low-rise is defined as a building or structure more than three stories or 35 feet in height and less than six stories or 70 feet in height, whichever is more restrictive.
- M. **Mid-rise.** A mid-rise is defined as a building or structure more than five stories or 70 feet in height and less than nine stories or 105 feet in height, whichever is more restrictive. A maximum of 20 percent of the uppermost floor plate is permitted to a total height of 120 feet.

Should this portion of the building be roofed and enclosed on more than two sides it shall be considered for purposes of calculating floor area ratio.

- N. **Neighborhood Transition Area.** An area of a lot within HDDZ that is adjacent to a residential zone district boundary. The dimensions of the Neighborhood Transition Area and the reduced height limits that apply within these areas are defined as standards within this section.
- O. **Tier.** A level of development intensity: Height and Density Development Zone. Includes Base Tier, Mid-rise Tier.
- P. **Very Low-rise.** A very low-rise is defined as a building or structure no more than three stories or 35 feet in height, whichever is more restrictive.

## **SEC. 10.304 APPLICATION OF OVERLAY ZONE**

- A. This HDDZ shall apply over existing zones designated in the City including areas with existing Overlay Zones. The zoning designation for property located within the HDDZ shall consist of the base zone symbol and the overlay district symbol (HDDZ) as a suffix. The character areas of the HDDZ shall be numbered sequentially to distinguish among the individual character areas and labeled as such on the zoning map:
  - 1. **Gateway.** HDDZ-1
  - 2. **Seawall East.** HDDZ-2
  - 3. **Seawall Core A.** HDDZ-3
  - 4. **Seawall Core B.** HDDZ-4
  - 5. **Seawall West.** HDDZ-5
  - 6. **End of Seawall to 11 Mile Road.** HDDZ-6
- B. The standards of this Section apply in addition to the standards of the underlying zone and any applicable overlay zones. Where there is a conflict, the standards of this Section apply.
- C. For areas with an underlying height restriction, the more restrictive regulations shall apply.
- D. Where an existing development agreement or restrictive covenant is more restrictive than the provisions of this section, the specific restriction in the previous condition shall prevail.
- E. Any tract of land currently platted for single family detached development is exempt from the Height and Density Development Plan.

## **SEC. 10.305 HEIGHT AND DENSITY TIERS**

The HDDZ allows for two separate tiers of development activity. Each tier has increasingly restrictive development standards and requires additional development review. Two height and density tiers are hereby established in the HDDZ as defined below:

- A. **Base Tier (very low-rise and low-rise).**
  - 1. Development with a maximum height of five stories or 70 feet above grade and a floor area ratio not to exceed that defined for the character area.
  - 2. Development is approved by staff, provided it meets the standards of this regulation.
  - 3. Development conforming to this tier is allowed in each character area.
- B. **Mid-rise Tier.**

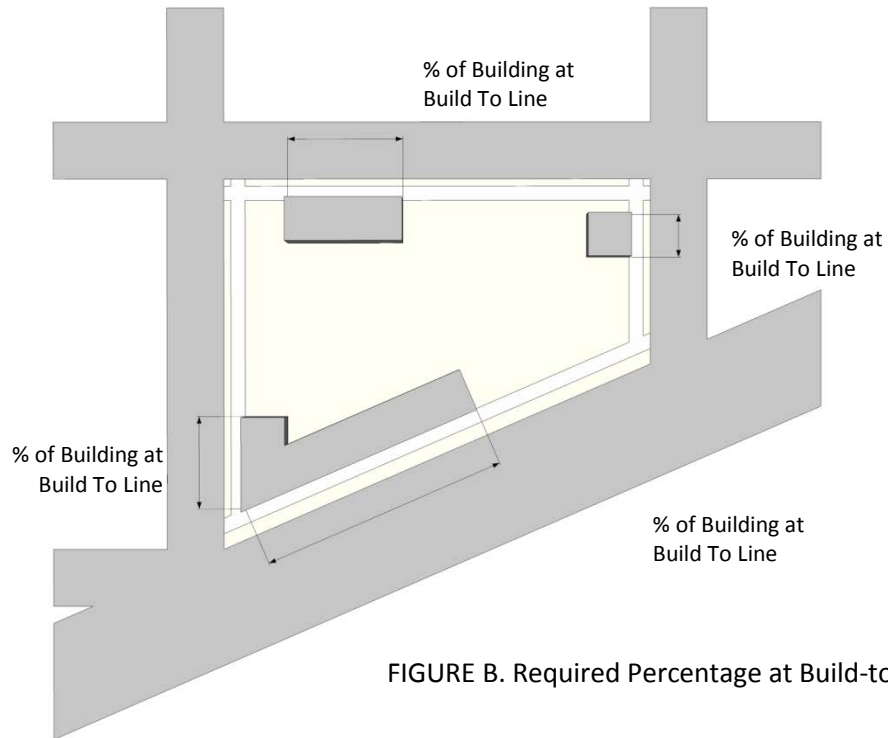
1. Development with a maximum height of eight stories or 105 feet above grade and a floor area ratio not to exceed that defined for the character area. A maximum of 20 percent of the uppermost floor plate is permitted to a total height of 120 feet. Should this portion of the building be roofed and enclosed on more than two sides it shall be considered for purposes of calculating floor area ratio.
  2. Development is approved by staff provided it meets the standards of this regulation.
  3. Development conforming to this tier is allowed in each character area provided the project earns adequate height and floor area through the provision of specified community benefits.
- C. **Development Tiers Allowed by Character Area.** Base and Mid-rise Tiers are allowed in all character areas.

## SEC. 10.306 DEVELOPMENT STANDARDS FOR ALL TIERS

- A. **Design Guidelines Apply.** The *Height and Density Development Plan and Design Guidelines* in the Seawall and Gateway Areas apply to all development in the HDDZs. The design guidelines shall be employed by the City staff, the Planning Commission, and City Council, as applicable, in their review of new development.
- B. **Site Area.** A minimum site area is required for all development. The minimum site area varies by development tier and character area as shown in Table 10.306A, Site Area (Minimum) by Character Area, below. Properties that lack the minimum site area shown in the table below shall not be developed using Mid-Rise standards. The minimum site area shall not include dune protection areas, beaches or submerged land. The Base Tier site area shall not be less than 3,000 square feet. The Mid-Rise Tier site area shall not be less than 65,340 square feet.

Table 10.306A Site Area (Minimum) by Character Area						
	Gateway	Seawall East	Seawall A	Seawall B	Seawall West	Seawall W. to 11 Mi.
<b>Base Tier</b>	3,000 square feet or .069 acres	3,000 square feet or .069 acres	3,000 square feet or .069 acres	3,000 square feet or .069 acres	3,000 square feet or .069 acres	3,000 square feet or .069 acres
<b>Mid-rise Tier</b>	65,340 square feet or 1.5 acres	65,340 square feet or 1.5 acres	65,340 square feet or 1.5 acres	65,340 square feet or 1.5 acres	65,340 square feet or 1.5 acres	87,120 square feet or 2 acres

- C. **Required Yards.** The standards of this paragraph establish a yard requirement for the HDDZ.
1. **Required Percentage at Build-To-Line.** The table below establishes the required percentage of a building that must be located at the build-to line as shown in Figure B. For the purposes of this paragraph, the build-to line along streets with no specific setback requirement shall be considered the interior edge of the sidewalk located furthest from the adjacent roadway. Along streets with a specific setback requirement, the build-to line shall be considered to be at the required setback.



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Table 10.306B Required Yards by Character Area						
	Gateway	Seawall East	Seawall A	Seawall B	Seawall West	Seawall W. to 11 Mile Road
<b>Front Yard</b>						
Facing residential zone <sup>1</sup> (min.)	15 feet	15 feet	15 feet	15 feet	15 feet	20 feet
Percentage at Build-to Line <sup>1</sup> (min.)	30%	30%	30%	30%	30%	30%
Facing Seawall Boulevard <sup>1</sup>						
Setback (min.)	--	0 feet	0 feet	0 feet	0 feet	--
Percentage at Build-to Line <sup>2</sup> (min.)	--	30%	60%	60%	30%	--
Any Other Frontage <sup>1</sup>						
Setback (min.)	--	0 feet	0 feet	0 feet	0 feet	--
Percentage at Build-to Line <sup>2</sup> (min.)	--	30%	30%	30%	30%	--
<b>Side Yard</b>						
Adjacent to residential zone <sup>1</sup> (min.)	30 feet	20 feet	20 feet	20 feet	30 feet	40 feet
Not adjacent to residential zone (min.)	0 feet	0 feet	0 feet	0 feet	0 feet	40 feet
<b>Rear Yard</b>						
Adjacent to residential zone <sup>1,3</sup> (min.)	30 feet	20 feet	20 feet	20 feet	30 feet	40 feet
Not adjacent to residential zone <sup>1,4</sup> (min.)	20 feet	10 feet	10 feet	10 feet	20 feet	40 feet

Required yards are not applicable when rows or columns are marked --

<sup>1</sup>This yard area is subject to specific landscaping requirements

<sup>2</sup>As defined in paragraph Section 10.306.C.1.

<sup>3</sup>May be reduced to 15 feet where rear lot line is adjacent to an alley at least 10' in width

<sup>4</sup>May be reduced to 0 feet (at bulkhead) where lot line is adjacent to open water

**2. Neighborhood Transition Area.** Heights shall be limited in neighborhood transition areas to maintain compatibility with adjacent residential zones. Lots that are not adjacent to a residential zone boundary do not have any transition area requirement. The specific heights allowed are found in Section 10.311, Base Tier Development Standards.

- a. Transition Area Type 1: The side or rear of a property directly adjacent to any residential zone in any character area, or the front of a property facing any residential zone across East-West (lettered) avenues in the Seawall Core A, Seawall Core B, Seawall East, or Seawall West or any street in the Gateway Area or West of Seawall areas. There are two segments of the property where special height limits apply as described below and in Figures C and D.
  - i. Transition Area 1a: All lot areas that are within 20 feet of the required front, side, or rear yard setback
  - ii. Transition Area 1b: All lot areas that are more than 20 feet but less than 50 feet

from the required front, side, or rear yard setback

- b. Transition Area Type 2: The front of a property facing any residential zone across North-South (numbered) streets in the Seawall Core A, Seawall Core B, Seawall East, or Seawall West areas. There is one segment where special height limits apply as described below and shown in Figure E.
  - i. Transition Area 2a: All lot areas that are within 20 feet of the required front yard setback
- c. Transition Area Type 3: The side or rear of a property abutting Offat's Bayou and English Bayou in the Gateway Area. There is one segment where special height limits apply as described below and shown in Figure F.
  - i. Transition Area 3a: All lot areas that are within 30 feet of the property line.

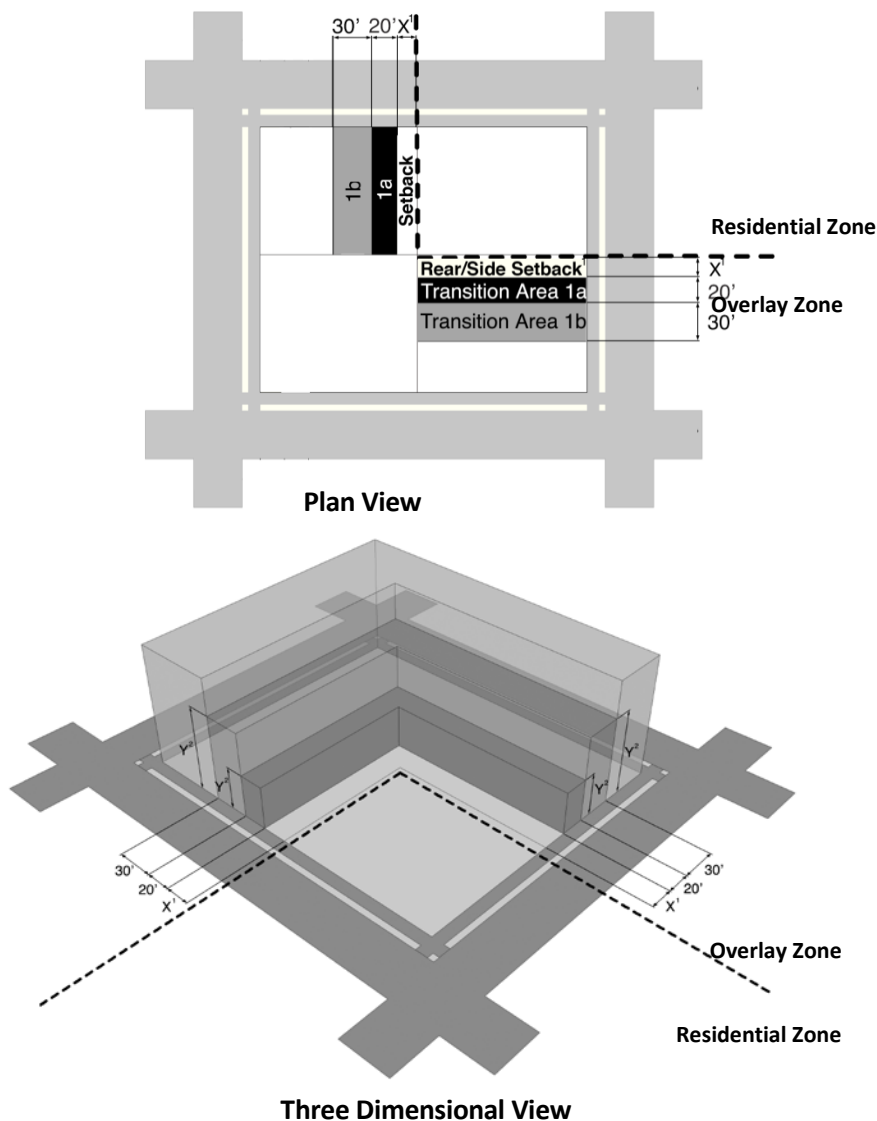


FIGURE C. Transition Area 1a and 1b on the side or rear of a lot directly abutting a residential zone district in any character area.

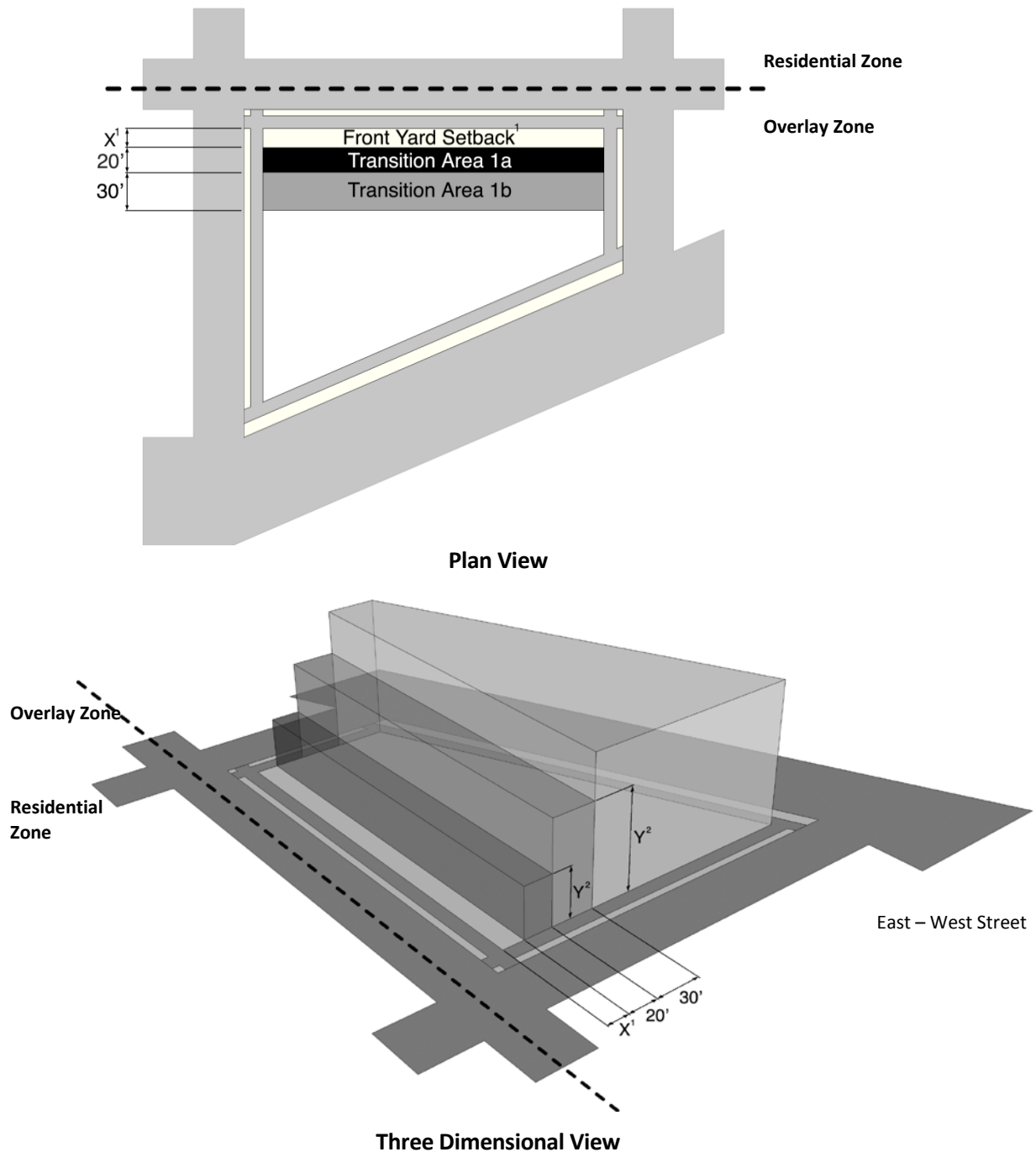


Figure D. ....

<sup>1</sup>Required setback varies by character area.

<sup>2</sup>The specific height limits for each Transition Area are described in paragraph (g) Base Tier Development Standards.



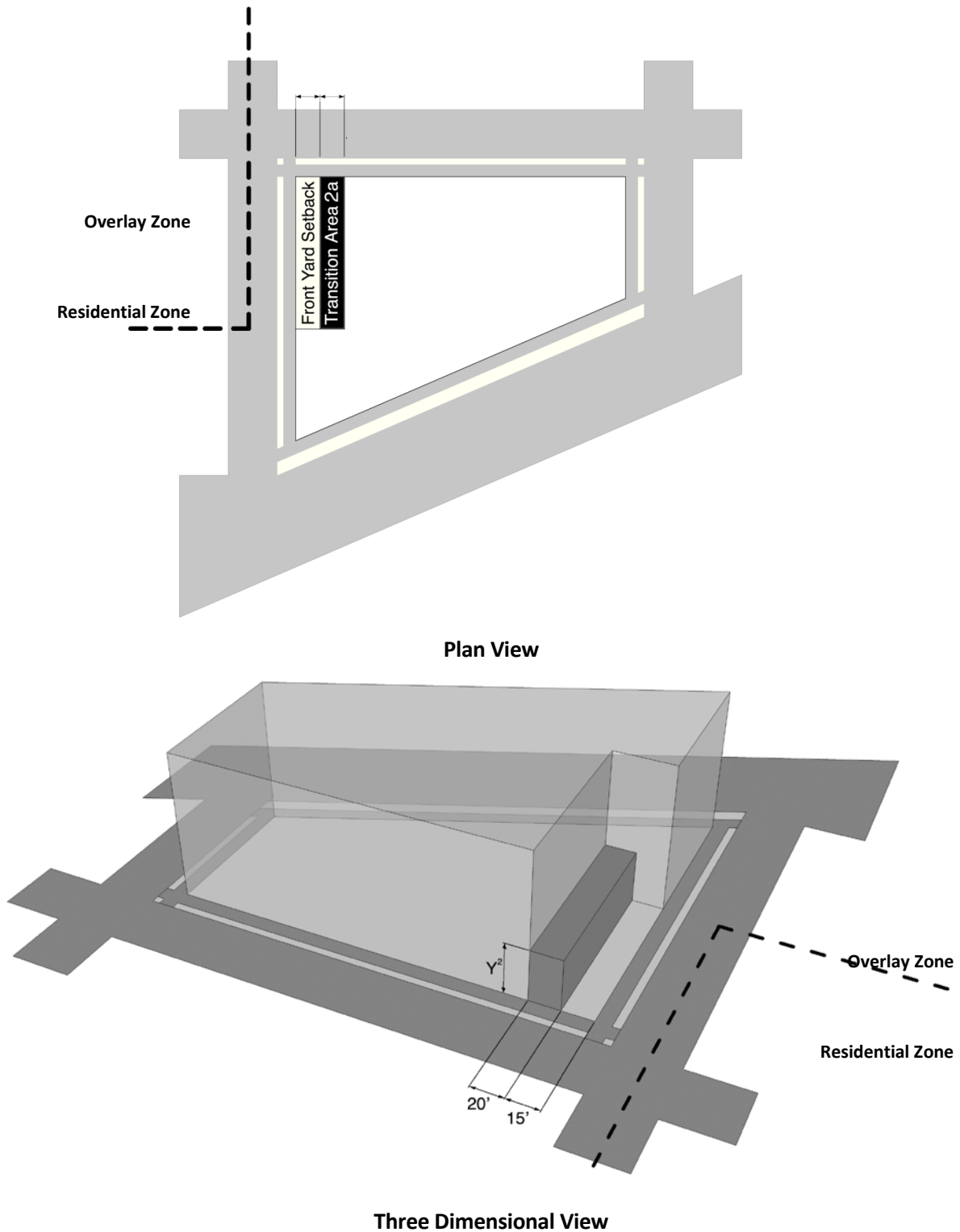
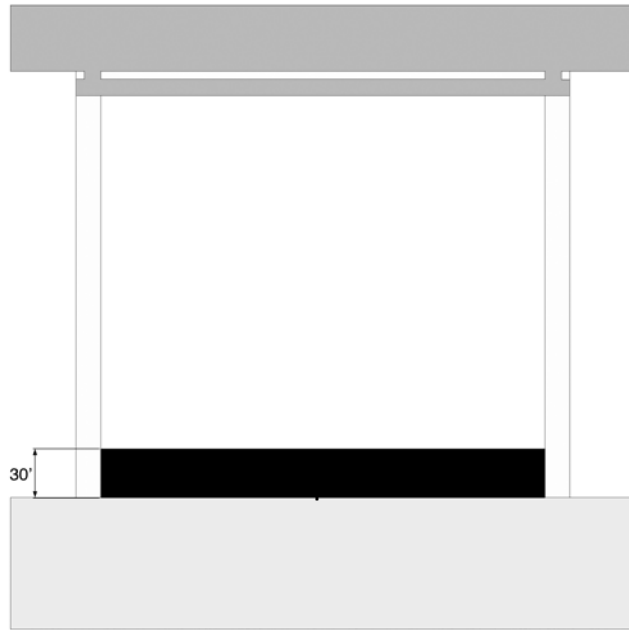
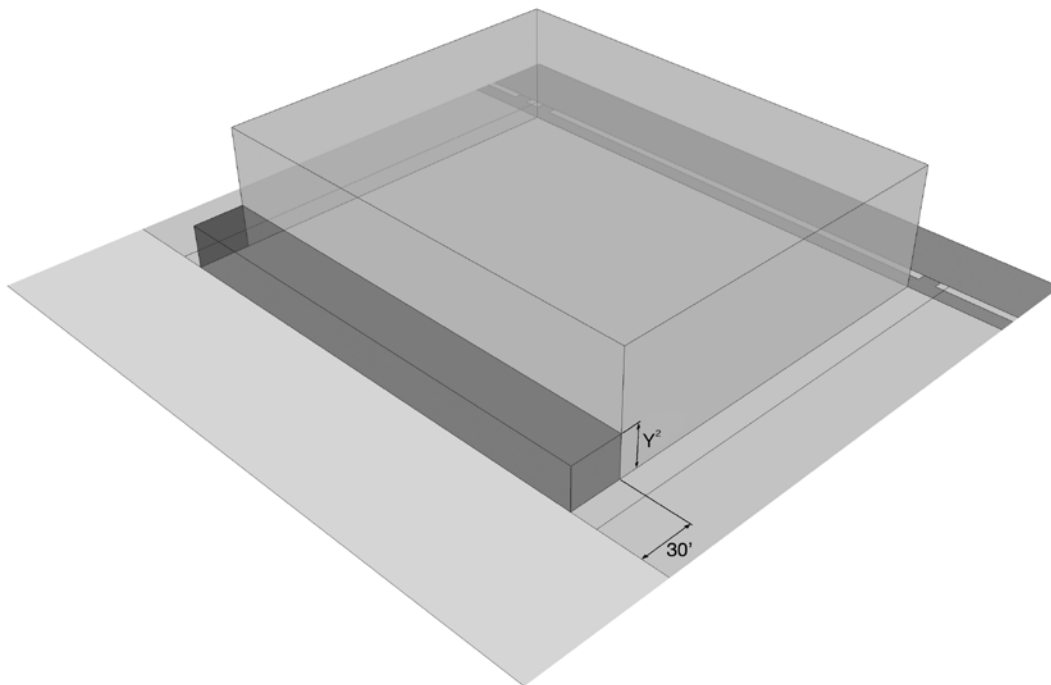


FIGURE E. Transition Area 2a on the front of a lot facing a Residential Zone across a north-south street in the Seawall Core A, Seawall Core B, Seawall East or Seawall West areas.

<sup>2</sup>The specific height limits Transition Areas are described in paragraph (g) Base Tier Development Standards.



**Plan View**



**Three Dimential View**

FIGURE F: Transition Area 3a on the edge of a lot directly abutting open water including, but not limited to Offat's Bayou and English Bayou.

<sup>2</sup>The specific height limits for Transition Areas are described in paragraph (g) Base Tier Development Standards.

## SEC. 10.307 BUILDING MASS AND FORM STANDARDS

### A. Building Floor Plate.

1. **Mid-rise.** Maximum floor plate area for floors six through eight shall be 15,000 square feet.

### B. Shading of Adjacent Residential Zone, Public School, or Public Park:

1. **Mid-rise.** No mid-rise structure in the HDDZ shall impact development within any adjacent residential zone, public school, or public park through substantial shading.
2. For the purpose of this paragraph, substantial shading shall be considered shading of an adjacent parcel for more than four hours, as measured on December 21<sup>st</sup>. A three-dimensional model illustrating the potential shading for the project shall be provided to the City for review.

- C. **Wall Plane Articulation.** A building shall be articulated with wall place offsets to encourage a varied and interesting street front and break down the visual mass of taller buildings elements, as illustrated in Figure G1. Table 10.307, Wall Plane Articulation establishes the required articulation for different vertical sections of a building:

Table 10.307 Wall Plane Articulation				
Vertical Building Section				
From	To	Building Wall Length (max.)	Offset Depth (min.)	Offset Length (min.)
Grade	3 Stories or 35 feet	30 feet	5 feet	10 feet
3 stories or 35 feet	Max. Height Limit	50 feet	5 feet	10 feet

1. **Requirements.** Wall Plane Articulation shall be not required for the rear elevation unless the rear elevation is adjacent to a right-of-way or residentially zoned property. Wall Plane Articulation shall only be required for exterior building walls. For example, porches or freestanding, open air structures, such as gazebos, are not required to provide Wall Plane Articulation.
2. **Options.**
  - a. Indented Offsets: Articulation may be provided with indented offsets as shown in Figure G2.
  - b. Offset Wall Places: Articulation may be provided with offsets that extend outwards towards the lot line as shown in Figure G3. Please note that the offsets need to meet any setback requirements.
  - c. Projected Offsets: Articulation may be provided with alternative designs, such as curved walls, that meet the building wall length and offset requirements set forth in the Wall Place Articulation table above and subject to approval by the Development Services Director.

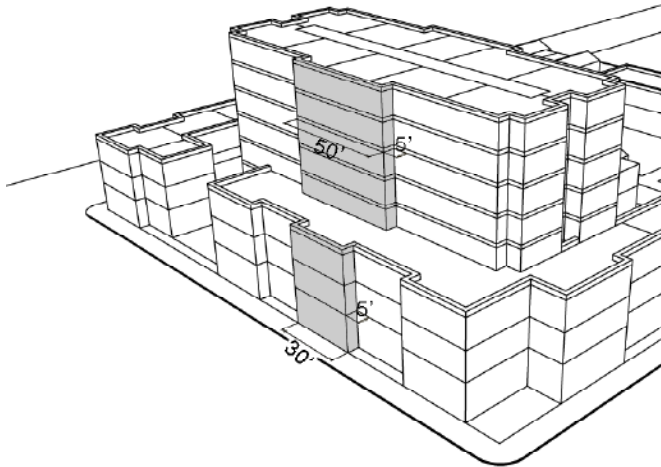


FIGURE G1. Building articulated with offset wall planes.

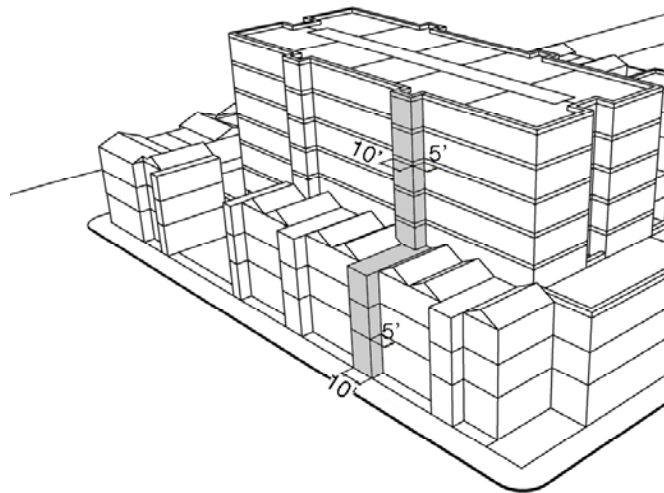


FIGURE G2. Building articulated with indented offsets

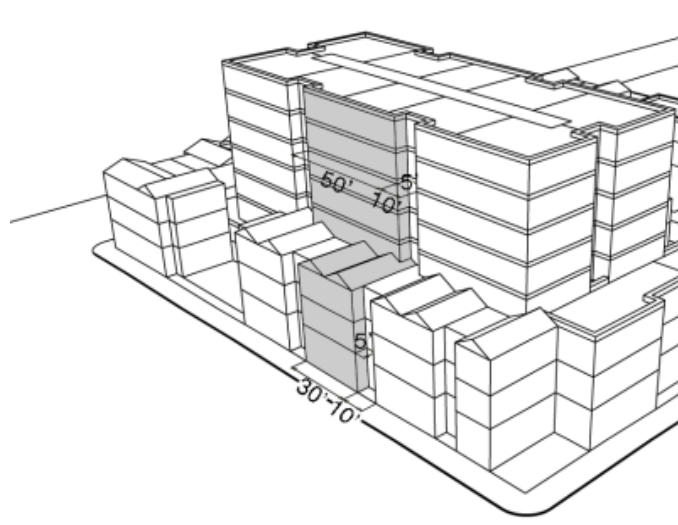


FIGURE G3. Building articulated with offsets that extend outward towards the street.

3. **Special Exception to Wall Plane Articulation Standards for Very Low-Rise Buildings.**

The Development Services Director may permit an increase of up to 40 feet to the maximum building wall length, a reduction of up to 3 feet in minimum offset depth,, and/or a reduction of up to 5 feet in minimum offset length for very low-rise buildings. Permitted exceptions must meet the intent of the Building Massing and Articulation section of the *Height and Density Development Plan and Design Guidelines*.

D. **View Corridors.**

1. **Gateway View Corridor.** A view corridor shall be established in the Gateway portion of the HDDZ. The height limits for Transition Area 3a shall apply within the established view corridor. Additional review of the view corridor is necessary prior to designation, and therefore, staff recommends the view corridor be established by separate ordinance.
2. **Permanent Street Closures.** When a single development includes multiple blocks, it may be beneficial to close a street to provide additional open space. A permanent street closure may only be considered on a case-by-case basis where such closures do not significantly impact traffic flow and where it will provide a high quality space that contributes positively to the overall neighborhood character and pedestrian circulation system. The intent of this section is to maintain views, airflow of Gulf breezes, and to retain traditional block shapes and sizes. The land area of any new street closure may not be included in floor area ratio calculations as described in the floor area ratio definition.
  - a. Closure of a city street or avenue after the adoption of this ordinance may only be considered where it meets the following criteria including but not limited to:
    - i. There is a demonstrated community benefit;
    - ii. The street segment is not a part of a historic district or a potentially eligible historic district;
    - iii. No structure shall be erected within the original right-of-way; and
    - iv. The closure does not negatively impact public safety or traffic.
  - b. When closing a city street or avenue:
    - i. Maintain existing view corridors and breezeways along the original right-of-way;
    - ii. Maintain pedestrian access through the development along the original right-of-way; and
    - iii. Provide additional landscaping including decorative paving in the closed area.
  - c. When an existing site contains privately owned land that was formerly a city street, avenue, alley, or other right-of-ways at the time of adoption of the HDDZ that area shall be considered typical site area and is exempt from the requirements of this section.
  - d. Closure of an alley after the adoption of this ordinance may only be considered when it meets the following criteria including but not limited to:
    - i. Closing the alley is necessary to build a parking structure or orient a mid-rise building as recommended by the *Height and Density Development Plan and Design Guidelines*.
    - ii. The alley segment is not part of a historic district or a potentially eligible historic district

- iii. Closing the alley would cause a loss of service access to other properties.
  - iv. Utility service lines can be feasibly relocated, by the developer or applicant following review and approval by the Public Works Department.
- E. **Use Regulations.** The use regulations of the underlying zone districts shall apply including any additional use restrictions imposed by applicable overlay districts. Where any underlying district requires a specific use permit (SUP) such permit shall continue to be required in the HDDZ.

## SEC. 10.308 STREET EDGE STANDARDS

The street edge standards of this Section shall apply to all development within the HDDZ.

- A. **Visual Interest.** In order to enhance the experience of the traveling public, the following visual interest elements shall be required along any street edge:
- 1. Active storefronts containing commercial or office uses; and
  - 2. Decorative architectural surfaces such as:
    - 1. Public art or murals approved by the Galveston Commission for the Arts or designee
    - 2. Porches, galleries, arcades, or other architectural features providing outdoor protected shade for pedestrians or residents.
- B. **Parking Structure Requirements:** Any structured parking must have other active uses (commercial or residential) located between the structure and the required building setback for a minimum depth of 20 feet as shown in Figure K. It must extend a minimum of 60 percent of the linear frontage of the structure on any street face. This wrap of other uses may be built within any required Neighborhood Transition Area subject to the height requirements for the transition area.

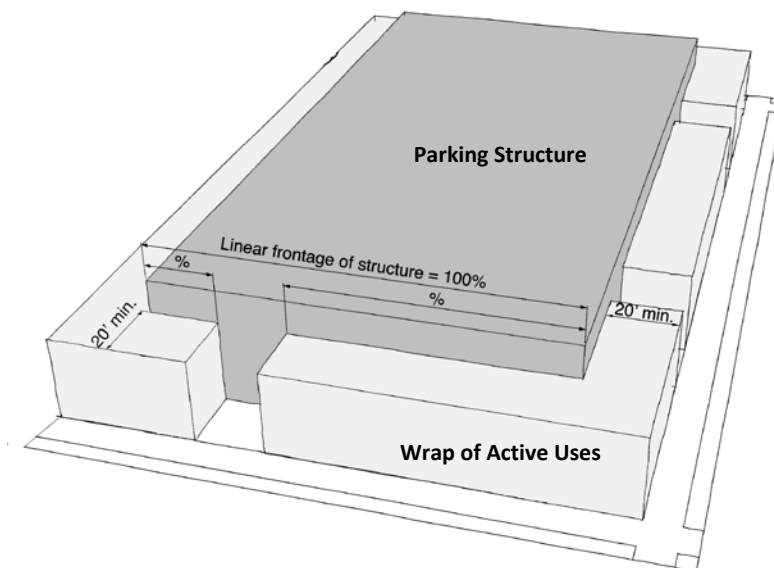


FIGURE K. Parking Structure Requirements

## **SEC. 10.309 NATIONAL REGISTER OF HISTORIC PLACES ELIGIBLE BUILDINGS**

Any buildings on the project site (whether the development site or a site designated for community benefit provided to achieve additional floor area) that are listed or eligible for listing on the *National Register of Historic Places* shall be preserved or moved to an alternative site within the City. No demolition of eligible structures is permitted in the HDDZ.

## **SEC. 10.310 WETLAND BUFFERS**

The following wetland buffers shall apply in the Height and Density Development Zone.

- A. **Buffer Required.** A 25 foot wetland buffer shall be established along the edges of any wetland under the jurisdiction of the US Corps of Engineers or the State of Texas. Buffers shall be shown on all plans and plats.
- B. **Activity Allowed in Wetland Buffers.** Wetland buffers shall remain undisturbed and no development, including land-disturbing activities, shall occur within this wetland buffer. Overhead or underground utilities, roads, streets, bridges, or similar structures should be placed within existing public right-of-ways if possible but in any case, must cross the buffer as close to perpendicular as possible.
- C. **Revegetation.** All disturbed areas within the buffer area, permitted or not, shall be revegetated with perennial vegetation as soon as practical (immediately) after the disturbance.

## **SEC. 10.311 BASE TIER DEVELOPMENT STANDARDS**

- A. **In General.** The base tier development standards allow very low and low-rise development subject to review and approval by the City.
- B. **Site Development Standards:** Table 10.311 shows the low-rise site development standards that shall apply in the HDDZ:

Table 10.311 Low-rise Site Development Standards by Character Area						
	Gateway	Seawall East	Seawall A	Seawall B	Seawall West	Seawall W. to 11 Mile Road
<b>Floor Area Ratio (max.)</b>	1.5	2.0	2.0	2.0	1.5	1.0
<b>Lot Coverage (max.)</b>	75%	80%	80%	80%	75%	50%
<b>Improved Public Open Space (min.)</b>	8%	5%	5%	5%	8%	15%
<b>Height</b>						
Not in Transition Area <sup>1</sup> (max.)	70 feet or 5 stories	70 feet or 5 stories	70 feet or 5 stories	70 feet or 5 stories	70 feet or 5 stories	70 feet or 5 stories
Transition Area 1a (max.) <sup>1</sup>	35 feet or 3 stories	35 feet or 3 stories	35 feet or 3 stories	35 feet or 3 stories	35 feet or 3 stories	45 feet or 3 stories
Transition Area 1b (max.) <sup>12</sup>	70 feet or 5 stories	70 feet or 5 stories	70 feet or 5 stories	70 feet or 5 stories	70 feet or 5 stories	70 feet or 5 stories
Transition Area 2 (max.) <sup>1</sup>	--	35 feet or 3 stories	35 feet or 3 stories	35 feet or 3 stories	35 feet or 3 stories	--
Transition Area 3 (max.) <sup>1</sup>	25 feet or 2 stories	--	--	--	--	--

Special Transition Area height limits are not applicable when rows are columns are marked --

<sup>1</sup> See paragraph (f) subsection (3)c. above for description of transition areas.

<sup>2</sup> In the Base Tier, height standards do not differ for Transition Area 1b and for areas that are not in a transition area.

- C. **Improved Public Open Space:** The improved public open space requirement replaces any requirement for Usable Open Space per Section 29-65(e).

## SEC. 10.312 MID-RISE TIER DEVELOPMENT STANDARDS

- A. **In General:** The base tier development standards allow mid-rise development subject to review and approval by the Development Services Department provided the project earns adequate height and floor area through the provision of specified community benefits.
- B. **Site Development Standards:** Table 10.312 shows the mid-rise site development standards that shall apply in the HDDZ:



Table 10.312 Mid-rise Site Development Standards by Character Area						
	Gateway	Seawall East	Seawall A	Seawall B	Seawall West	Seawall W. to 11 Mile Road
<b>Floor Area Ratio (max.)</b>	2.0	2.5	2.5	2.5	2.0	1.5
<b>Lot Coverage (max.)</b>	65%	75%	75%	75%	65%	50%
<b>Improved Public Open Space (min.)</b>	15%	8%	8%	8%	15%	20%
<b>Height</b> Not in Transition Area <sup>1</sup>						
Flat Roof (max. parapet height)	90 feet <sup>2 3</sup>	90 feet <sup>2 3</sup>	90 feet <sup>2 3</sup>	90 feet <sup>2 3</sup>	90 feet <sup>2 3</sup>	90 feet <sup>2 3</sup>
Sloped Roof (max. roof peak height)	105 feet <sup>2 3</sup>	105 feet <sup>2 3</sup>	105 feet <sup>2 3</sup>	105 feet <sup>2 3</sup>	105 feet <sup>2 3</sup>	105 feet <sup>2 3</sup>
Number of Habitable Floors (max.)	8 stories <sup>3</sup>	8 stories <sup>3</sup>	8 stories <sup>3</sup>	8 stories <sup>3</sup>	8 stories <sup>3</sup>	8 stories <sup>3</sup>
Transition Area 1a (max.) <sup>1</sup>	35 feet or 3 stories	35 feet or 3 stories	35 feet or 3 stories	35 feet or 3 stories	35 feet or 3 stories	45 feet or 3 stories
Transition Area 1b (max.) <sup>1</sup>	70 feet or 5 stories	70 feet or 5 stories	70 feet or 5 stories	70 feet or 5 stories	70 feet or 5 stories	70 feet or 5 stories
Transition Area 2 (max.) <sup>1</sup>	--	35 feet or 3 stories	35 feet or 3 stories	35 feet or 3 stories	35 feet or 3 stories	--
Transition Area 3 (max.) <sup>1</sup>	25 feet or 2 stories	--	--	--	--	--

Special Transition Area height limits are not applicable when rows or columns are marked --

<sup>1</sup> See paragraph (f) subsection (3)c. above for description of transition areas.

<sup>2</sup> Any height above 90 feet shall be contained in a sloping roof structure not including the special height exception for penthouse building elements as described below.

<sup>3</sup> Special height exception for penthouse building elements: Up to 20 percent of the area of the building floor plate at the 90 foot height limit for a flat-roofed structure may rise an additional one or two-stories to a maximum height of 110 feet at the parapet of a flat roof or 120 feet at the peak of a sloped roof. The standard flat and sloped roof height limits in the table above will apply to the remaining 80 percent of the building floor plate.

- C. **Improved Public Open Space:** The improved public open space requirement replaces any requirement for Usable Open Space.

## SEC. 10.313 COMPENSATING COMMUNITY BENEFITS

- A. **Benefits Required:** In order for a project to earn the right to either height or floor area that exceeds the standards for the Base Tier, compensating benefits to the community must be provided. A balance of the community's interest in reduced height with the applicant's interest in achieving a financially feasible, marketable project is defined in the tables below. All community benefit are encouraged to be on-site and within the affected area, and can be

considered off-site through the approval process. Community Benefits must be completed within two years from the date of approval.

**B. Description of Community Benefits:**

1. **Inclusionary Housing.** Creation of housing units that meet the City definition of affordable or workforce housing units. Such units may be established in any of the following ways in order of preference:
  - a. On-site within the project;
  - b. Off-site through renovation of existing housing stock subject to permanent restriction for use as an affordable or workforce housing unit;
  - c. Off-site through creation of new infill housing stock subject to permanent restriction for use as an affordable or workforce housing unit; or
  - d. Off-site through creation of new greenfield housing stock subject to permanent restriction for use as an affordable or workforce housing unit.
  - e. All inclusionary housing will be governed by a separate Inclusionary Housing Requirement Policy in a form yet to be determined.
2. **Natural Resource Protection.** Permanent protection of conservation areas on Galveston Island may be achieved through transfer of development rights to the City, the County, or an established land trust of conservation organization. Perpetual maintenance of the natural resource area must be accomplished at no cost to the City.
3. **Natural Resource Protection Beach Renourishment.** Project or funding for beach replenishment. Minimum dimension of 350 linear feet engineered in accordance with state and federal standards.
4. **Hotel.** A hotel available for overnight stays by the general public. The hotel may be incorporated into a building containing residential or other uses.
5. **Parking Space (Public).** A parking space dedicated for use by the public within a private enclosed parking structure.
6. **Parking Space (Beach Access).** A parking space dedicated for use by the general public with accessible pedestrian access to a public beach area on the Gulf of Mexico.
7. **Public Boat Launch.** A designated public boat launch that provides access to the Gulf of Mexico, English Bayou, Offats Bayou, and/or Galveston Bay.
8. **Public Park or Plaza.** A public park or plaza meeting the requirements contained in the *Height and Density Development Plan and Design Guidelines*.
9. **Public Restrooms.** Restrooms that are open free of charge to the general public from dawn to dusk.
10. **Public Trail or Path.** A public trail or path meeting the requirements contained in the *Height and Density Development Plan and Design Guidelines*.
11. **Public Transit Stop.** An improved transit stop providing both seating and shade acceptable to Island Transit.

- C. **Initial Community Benefit Increment.** The applicant shall apply the benefit from Table 10.313A to earn their initial increment of additional floor area or height (stories). When the

maximum additional increment for all of the categories in this table have been earned, the applicant may use the secondary community benefits in the table in subsection D, below.

Table 10.313A Initial Community Benefit by Character Area						
	Gateway	Seawall East	Seawall A	Seawall B	Seawall West	Seawall W. to 11 Mile Road
<b>Inclusionary Affordable Housing Units</b>						
FAR Increment per On-Site Unit	0.05	0.05	0.05	0.05	0.05	0.05
FAR Increment per Off-Site Unit	0.0625	0.0625	0.0625	0.0625	0.0625	0.0625
Maximum Additional FAR	0.25	0.25	0.25	0.25	0.25	0.25
<b>Inclusionary Workforce Housing Units</b>						
FAR Increment per On-Site Unit	0.05	0.05	0.05	0.05	0.05	0.05
FAR Increment per Off-Site Unit	0.0625	0.0625	0.0625	0.0625	0.0625	0.0625
Maximum Additional FAR	0.25	0.25	0.25	0.25	0.25	0.25
<b>Natural Resource Preservation</b>						
FAR Increment per acre	0.05	-	-	-	0.05	0.05
Maximum Additional FAR	0.25				0.25	0.25
<b>Natural Resource Beach Renourishment</b>						
FAR Increment per 350 linear feet of beach	-	0.0625	0.0625	0.0625	0.0625	0.0625
Maximum Additional FAR		0.25	0.25	0.25	0.25	0.25

- D. **Secondary Community Benefits:** The applicant shall apply the benefit from Table 10.313B to earn additional secondary floor area or height (stories) only after the maximum initial community benefit increment in subsection C, above, has been earned.

Table 10.313B Secondary Community Benefit by Character Area						
	Gateway	Seawall East	Seawall A	Seawall B	Seawall West	Seawall W. to 11 Mile Road
<b>Hotel</b>						
FAR Increment per 10 Rooms	-	0.0625	0.0625	0.0625	0.0625	-
Maximum Additional FAR		0.25	0.25	0.25	0.25	
<b>Parking Spaces (Public)<sup>1</sup></b>						
FAR Increment per 10 Spaces	-	0.0625	0.0625	0.0625	0.0625	0.0625
Maximum Additional FAR		0.25	0.25	0.25	0.25	0.25
<b>Parking Spaces (Beach Access)</b>						

Table 10.313B Secondary Community Benefit by Character Area						
FAR Increment per Space	-	0.0625	0.0625	0.0625	0.0625	0.0625
Maximum Additional FAR		0.25	0.25	0.25	0.25	0.25
<b>Public Boat Launch</b>						
FAR Increment	0.125	-	-	-	-	0.125
Maximum Additional FAR	0.125					0.125
<b>Public Park or Plaza</b> (above min. open space req.)						
FAR Increment per 1,000 sf	0.0625	0.0625	0.0625	0.0625	0.0625	0.0625
Maximum Additional FAR	0.125	0.25	0.25	0.25	0.25	0.25
<b>Public Restrooms</b>						
FAR Increment per Facility	-	0.0625	0.0625	0.0625	0.0625	-
Maximum Additional FAR		0.0625	0.0625	0.0625	0.0625	
<b>Public Trail or Path</b>						
FAR Increment	0.0625	0.125	0.125	0.125	0.125	0.125
Maximum Additional FAR	0.0625	0.125	0.125	0.125	0.25	0.25
<b>Transit Stop (Improved)<sup>2</sup></b>						
FAR Increment per Stop	0.0625	0.0625	0.0625	0.0625	0.0625	0.0625
Maximum Additional FAR	0.0625	0.0625	0.0625	0.0625	0.0625	0.0625

<sup>1</sup>Public parking spaces must be provided in parking structures to earn floor area increments.

<sup>2</sup>Improved transit stops are to include a permanent shade structure and seating area and must be located at an existing or planned transit stop.

## SEC. 10.314 ADMINISTRATION

- A. Design Review and Approval.** City staff reviews all development for compliance with this ordinance and other applicable sections of the City Code and Zoning Standards. Final review and approval for each tier of development is provided as follows:
1. Very Low-rise, Low-rise and Mid-rise Development:
    - a. City staff shall review and approve all low-rise development that does not include additional floor area beyond that allowed in the Base Tier.
    - b. City staff shall review all low-rise development to ensure it meets the requirements of this Section, other applicable sections of the City Code and Zoning Standards, and is consistent with the *Height and Density Development Plan and Design Guidelines*.
    - c. Where very low-rise, low-rise, and mid-rise development includes additional floor area in trade for compensating community benefits, it shall be reviewed as though it were mid-rise development by the Planning Commission.
- B. Pre-Development Meeting.** A pre-development meeting with the City staff is highly recommended prior to submission of an application for approval of any development in the

HDDZ. The applicant is also encouraged to meet and discuss the proposed project with adjacent neighborhoods and/or business interests. A pre-development meeting is neither an application for approval of a plan or plat nor does it constitute a permit application or other type of development approval. A pre-development meeting does not vest any rights with regard to the development of the subject property.

- C. **Design Guidelines.** The Planning Commission shall adopt and amend *Height and Density Development Plan and Design Guidelines* to be used by staff and the Commission for the review of projects within the HDDZ as required.
- D. **Unity of Title Required.** Each project site must be under single ownership at the time of application. Development of sites that include additional floor area in trade for compensating community benefits shall not be further subdivided into additional parcels following approval (this provision is not intended to restrict the ability to create a project under condominium, cooperative, or other unsubdivided regimes). Where subdivision is permitted, it shall occur concurrent with review under this Section.
- E. **Appeals.** All appeals of final City staff and/or Planning Commission decisions shall be taken to the Zoning Board of Adjustment. Appeals of final decisions of the Zoning Board of Adjustment shall be taken to a court of competent jurisdiction.

# ARTICLE 11. NONCONFORMITIES (ORD. 15-049)(ORD. 16-045)

## Division 11.100 Purpose and Application

### SEC. 11.101 PURPOSE

- A. **Generally.** This Article regulates existing uses, building, lots, or structures that were legally established prior to the effective date of these regulations. These are collectively referred to as nonconformities.
- B. **Reduction or Elimination of Nonconformities.** This Article provides a set of thresholds for determining when new construction or modifications to existing development require conformance with these regulations.
- C. **Conversion of Nonconformities.** This Article provides standards by which some nonconformities can be granted conforming status.
- D. **Unlawful Uses, Buildings, Structures or Lots Prohibited.** This Article does not allow the continuation of uses, buildings, lots, or structures that were not lawfully established. Such uses, buildings, lots, or structures remain subject to all provisions of these regulations and other applicable laws.

### SEC. 11.102 EXEMPTIONS

- A. **Exemptions.**
  - 1. **Eminent Domain; Governmental Acquisition.** Any nonconformity created or caused by a conveyance of privately owned land to a federal, state, local government, or other entity with eminent domain authority to serve a public purpose is deemed to be conforming for the purposes of these regulations and is not subject to the limitations of this Article. This Section applies only where private land is obtained by a governmental or other condemning entity for a public purpose through purchase, condemnation, threat of condemnation, or otherwise and that creates nonconformity in terms of setback, lot size, or other standards of these regulations. This exemption does not apply to right-of-way dedication or other public conveyances of land required by the City in the course of subdivision or other development approvals pursuant to these regulations.
  - 2. Non-Conforming buildings, signs and structures developed on lots with frontage on Seawall Boulevard, and within the HDDZ, are exempt from this Article.
  - 3. The property described as ABST 628, M Menard Sur NE & SE BLKS 141 & ADJ AC TR (141-3000-0) Galveston Outlots commonly known as the Galveston Island Historic Pleasure Pier is exempt from this Article and shall be a special exception within the Commercial Zone and shall be a legal nonconforming use.
  - 4. "Place of Public Assembly" in a Residential, Single Family (R-1) zoning district:
    - a. A church/place of worship land use, lot or structure that was legally used, erected, or maintained as a church/place of worship in compliance with the 1991 Zoning Standards on or before March 5, 2015.
    - b. Any newly acquired property by a church/place of worship complies with Section A.4(a) herein.  
Note: A church/place of worship in a Residential, Single Family (R-1) Zoning District that legally existed under the 1991 Zoning Standards is considered a

conforming land use under the 2015 Galveston Land Development Regulations.  
(ORD. 16-045)

B. **Maintenance.** This Article does not exempt property owners from ongoing maintenance requirements including the maintenance of existing elements of a use, buildings, structures, landscaping, signs, parking or loading areas, lighting, fences, drainage structures, and systems.

C. **Effect of Article.**

1. **Effect on Existing Development Approvals.** Nothing in these regulations shall be interpreted to require a change in any plans, construction, or designated use of any building for which a building permit was lawfully obtained from the City prior to the effective date of these regulations, October 30, 2014, or amendment.
2. **Effect on Existing Unlawful Uses, Buildings, Lots, or Structures.** Any use, building, lot, or structure that was used, erected, or maintained in violation of any previous ordinance of the City shall not be classified as nonconforming and shall be required to comply with all applicable provisions of these regulations.

## **Division 11.200 Types of Nonconformities**

### **SEC. 11.201 NONCONFORMING USES**

A nonconforming use is a use of land that was lawfully established on a parcel or lot before the effective date of these regulations that is no longer allowed after the effective date of these regulations. These include:

1. Uses that were lawfully established under prior regulations but are not currently listed in the applicable zoning district in Article 2, Uses and Supplemental Standards.
2. Uses that are currently listed as limited uses in the applicable zoning district in Article 2, Uses and Supplemental Standards that were previously permitted by right and do not comply with the applicable standards of Article 2, Uses and Supplemental Standards.
3. Uses that are listed as specific uses in the applicable zoning district in Article 2, Uses and Supplemental Standards but were previously permitted by right.

The nonconforming use status may be removed by obtaining approval of a special exception by the Zoning Board of Adjustment.

### **SEC. 11.202 NONCONFORMING BUILDINGS**

A nonconforming building is a building that was lawfully constructed prior to the effective date of these regulations that does not conform to the height, setback, building coverage, building scale, spacing, or design standards that are applicable to the same type of building in the zoning district in which the building is located.

### **SEC. 11.203 NONCONFORMING STRUCTURES**

A nonconforming structure is a structure other than a building that was lawfully constructed prior to the effective date of these regulations or amendment that does not conform to the standards that are applicable to the same type of structure in the zoning district in which the structure is located.

#### **SEC. 11.204 NONCONFORMING LANDSCAPING**

See Article 9, Landscaping for regulations governing nonconforming landscaping.

#### **SEC. 11.205 NONCONFORMING PARKING AND LOADING AREAS**

See Article 8, Parking and Loading for regulations governing nonconforming parking.

#### **SEC. 11.206 NONCONFORMING LOTS**

- A. Nonconforming lots are lots or building parcels that were lawfully created before the effective date of these regulations but that do not comply with the lot standards of these regulations.
- B. A lot or legal building site that does not conform to these regulations, is not held in common with any other adjoining lot, and is nonconforming by virtue of area, width, length, or frontage may be developed in conformance with the provisions of Article 3, District Yard, Lot, and Setback Regulations.

#### **SEC. 11.207 NON CONFORMING SIGNS**

See Article 5, Signs for regulations governing nonconforming sign regulations.

### **Division 11.300 General Regulations**

#### **SEC. 11.301 TERMINATION, REMOVAL, AND RESTORATION**

- A. **Generally.** This Section sets out the standards for when nonconforming use must be terminated or removed and when it is allowed to be restored after temporary cessation, damage, or destruction.
- B. **Nonconforming Uses.** If a nonconforming use is discontinued for a period of 365 consecutive days, for any reason, it shall not be resumed except for Section C(1) and C(2).
- C. **Nonconforming Buildings, Structures, and Elements of Buildings or Structures.**
  - 1. If a nonconforming building or structure, or nonconforming element thereof, is damaged or destroyed by any means or is declared unsafe by the City to an extent that repairs would constitute a “substantial improvement,” meaning that the reconstruction cost or area of reconstruction is greater than 50 percent of the cost of replacement or floor area of the building, respectively, the building shall only be reconstructed if in conformity with these regulations.
    - a. If a nonconforming element is damaged or destroyed by any natural disaster, the building may be reconstructed to its original design at the point the building or structure was damaged by a natural disaster. The original nonconformity may not be enlarged, increased, or extended. An extension for a building permit(s) may be granted within 365 days of the date the insurance claims are finalized and funded.
  - 2. If the reconstruction cost or area of reconstruction, whichever is less, is less than or equal to 50 percent of the cost of replacement or floor area of the building, respectively, then the structure may be strengthened or restored to a safe condition provided that:
    - a. The original nonconformity is not enlarged, increased, or extended;



- b. Building permits are obtained for repairs within 365 days of the date the building was damaged or if no date can be reasonably established for the damage, the date that the City determines that the building is unsafe; and
  - c. The construction is commenced within 365 days after obtaining the required building permits.
- 3. Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. The market cost or market value of the structure shall be determined as follows:
  - a. Insurance Report;
  - b. Construction cost estimates; and
  - c. Certified appraisal.

### **SEC. 11.302 CHANGES OF USE**

A nonconforming use shall not be changed to another nonconforming use.

### **SEC. 11.303 REPAIRS AND MODIFICATIONS**

- A. **Generally.** Repairs and modifications to nonconformities are permitted as provided in this Section except that nonconforming buildings and structures located in floodplains are subject to the restrictions of the City's floodplain regulations and not this Section.
- B. **Repairs and Alterations.**
  - 1. **Generally.** Non-structural repairs of nonconforming buildings or structures are permitted provided they do not extend or intensify the nonconformity or materially extend their life.
  - 2. **Structural Alterations.** Structural alterations to nonconforming buildings and structures are permitted when the alteration is required by the City for code compliance reasons including compliance with design standards or if the alteration will eliminate the nonconformity.
  - 3. **Buildings Containing Nonconforming Uses.** No building or structure that contains a nonconforming use shall be enlarged unless the nonconforming use is permanently discontinued or the City requires expansion for code compliance reasons.
- C. **Expansion of Nonconforming Uses.** Nonconforming uses shall not be expanded, enlarged, extended, increased, or moved to:
  - 1. Occupy an area of land or building that was not occupied on the effective date of these regulations;
  - 2. Occupy any open space, parking or loading area, or landscaped area that is required by these regulations;
  - 3. Exceed building coverage, floor area and/or height limitations of the zoning district in which the use is located;
  - 4. Occupy any land beyond the boundaries of the property or lot as it existed on the effective date of these regulations; or
  - 5. Displace any conforming use in the same building or on the same parcel.

## **SEC. 11.304 NONCONFORMING LOTS**

- A. **Construction on Legal Lots That Do Not Conform to Dimensional Requirements.** A legally nonconforming lot that does not meet zoning district requirements with respect to lot area, lot width, or other applicable dimensional standards may be built upon if:
1. The lot is a lot of record;
  2. The use is allowed in the zoning district in which the lot is located; and
  3. The lot has sufficient frontage on a public street to provide access that is appropriate for the proposed use.

## **SEC. 11.305 NONCONFORMING BUILDINGS AND STRUCTURES IN AREAS OF SPECIAL FLOOD HAZARD**

Buildings and structures that are located in areas of special flood hazard shall be removed or brought into compliance with the City's floodplain regulations if they suffer "substantial damage," meaning that the reconstruction cost or area of reconstruction, whichever is less, is greater than 50 percent of the cost of replacement or floor area of the building.

## **SEC. 11.306 NONCONFORMING PARKING**

See Article 8, Parking and Loading for regulations governing nonconforming parking.

# **Division 11.400 Conversion of Nonconforming Uses**

## **SEC. 11.401 PURPOSE**

Many nonconforming uses have existed for a period of time and some may have only recently become nonconforming. In many instances, these nonconforming uses are integral parts of the City's character and function, and their continuing existence does not conflict with the City's policy objective of neighborhood protection. This Division is designed to provide the process to remove the "nonconforming" designation.

## **SEC. 11.402 PROCEDURE**

An owner of a nonconforming use may apply for a special exception from the Zoning Board of Adjustment, which has the effect of making the nonconforming use conforming.

## **SEC. 11.403 CRITERIA FOR APPROVAL**

- A. **Generally.** A special exception may be granted by the Zoning Board of Adjustment to make a nonconforming use conforming, if, compliance with all of the criteria of this Section is demonstrated.
- B. **Nonconformity.** The use, as conducted and managed, has been determined to be a nonconforming use that has been integrated into the neighborhood's function or the zoning district's function if it is not in or adjacent to a residential neighborhood as evidenced by the following demonstrations:
1. Neighborhood residents regularly patronize or are employed at said use for nonresidential uses in or abutting residential neighborhoods;

2. Management practices eliminate nuisances such as noise, light, waste materials, unreasonably congested on-street parking, or similar conflicts;
  3. There is no material history of complaints to the City about the use. A history of complaints is justification for denying the special exception, unless the conditions of the exception will eliminate the reasons for the complaints;
  4. If the use is nonresidential, it is registered or licensed in accordance with any applicable ordinances of the City; or
  5. The use has been maintained in good condition and its classification as a nonconformity would be a disincentive for such maintenance.
- C. **Conditions.** Conditions may be imposed relative to the expansion of buffering, landscaping, or other site design provision or other limitations necessary to ensure that as a conforming use the use will not become a nuisance. Such conditions may relate to the lot, buildings, structures or operation of the use.

#### **SEC. 11.404 EFFECT AND ANNOTATION**

- A. **Generally.** Uses that comply with the conditions of a special exception issued in accordance with this Division are converted from "legally nonconforming uses" to "conforming uses" by virtue of the issuance of the special exception.
- B. **Written Approval.** Special exceptions shall be approved by the Zoning Board of Adjustment.

# ARTICLE 12. ADMINISTRATIVE BODIES

## Division 12.100 Purpose

### SEC. 12.101 PURPOSE

The purpose of this Article is to describe the roles and duties of the various review and decision-making bodies responsible for the administration of these regulations.

## Division 12.200 City Council

### SEC. 12.201 GENERAL POWERS

- A. **Generally.** The City Council is the legislative body of the City and has all powers conferred and implied by the City of Galveston *Home Rule Charter* in Article 2, Uses and Supplemental Standards. The Council, the Constitution, laws of the State of Texas, and as further described in the City Code of Ordinances.
- B. **Decisions.** The Council shall hear and decide the following applications under these regulations:
  - 1. Zoning classification or map amendments of property, including creation and/or amendment of historic overlay districts, specific use permit approval, and designation of Galveston Landmarks (GL) and Neighborhood Conservation Districts (NCDs).
  - 2. Determination and placement of new and unlisted uses within zoning districts.
  - 3. Amendments to the text of these regulations and abandonment of any City street right-of-way or real property interest.
  - 4. Any other actions specifically assigned by these regulations

## Division 12.300 Planning Commission

### SEC. 12.301 GENERAL POWERS

- A. **Generally.** The Planning Commission is established by City of Galveston Home Rule Charter, Article 10, Planning. The Commission shall have final decision-making authority and shall make recommendations to City Council.
- B. **Decisions.** The Commission shall have the following powers:
  - 1. **Review and Decision.** The Commission shall review and decide the following types of development related applications:
    - a. Preliminary and final plats;
    - b. Replats, minor plats, and amendments to approved plats except for those which are handled administratively by the Development Services Director pursuant to Texas Local Government Code Section 212.0065 and these regulations;

- c. Approval of subdivisions with an alternative standard of compliance for any requirement of Article 6, Subdivision Design and Land Development;
  - d. Appeals of decisions by City staff related to the subdivision regulations as provided in Article 13, Permits and Procedures;
  - e. Permanent licenses to use (LTU) City right-of-ways and certain other LTUs as provided in Chapter 32-5 of the City Code; and
  - f. Any other actions specifically assigned by these regulations.
2. **Review and Recommendation.** The Commission shall review and make a recommendation to the Council for the following types of applications:
- a. Rezoning of property including creation and/or amendment of historic overlay districts, specific use permit approval, and designation of GLs and NCDs;
  - b. Determination and placement of new and unlisted uses within zoning districts;
  - c. Amendments to the text of these regulations;
  - d. Abandonment of any City street right-of-way or real property interest;
  - e. Any other review and recommendation responsibilities specifically assigned by these regulations and/or the City of Galveston Home Rule Charter; and
  - g. Site Plans and all amendments to such plans as required in the Planned Unit Development District (PUD) and Specific Use Permits (SUP).
- C. **Other Powers.** The Commission is also empowered, on its own initiative or as requested by the City Council, to:
- 1. Periodically review these regulations, the Comprehensive Plan, and other plans of the City, and make recommendations regarding updates and amendments;
  - 2. Submit reports and recommendations for the orderly growth, development, and redevelopment of the City;
  - 3. Initiate zoning map amendments, and
  - 4. Require information from City departments in relation to its work and responsibilities.
- D. **Variances.** The Planning Commission may authorize a variance from Article 6, Subdivision Design and Land Regulations when undue hardship will result from requiring strict compliance. In granting a variance, the Planning Commission shall prescribe only conditions that it deems necessary or desirable to the public interest; in making the required findings, the Planning Commission shall take into account the character of the proposed use of the land involved and existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variances upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity. No variance shall be granted unless the Planning Commission finds:

1. That there are special or unique circumstances or conditions affecting the land involved such that the strict application of this ordinance would deprive the applicant of the reasonable use of his land.
2. That the granting of the variance will not be detrimental to the public health, safety, welfare, or injurious to other property in the area.
3. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this ordinance. Such findings of the Planning Commission, together with the specified facts upon which such findings are based, shall be incorporated into the official minutes of the Planning Commission meeting at which such variance is granted. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute hardship.
4. Authorization for a variance under the conditions set forth herein shall require an affirmative vote by two-thirds of the Planning Commission members.

#### **E. Exaction Variances**

##### **1. Definitions.**

- a. Permit: For purposes of this section permit shall carry the meaning defined for that term by Chapter 245 of the Texas Local Government Code, as amended.
- b. Public facilities system: means the collection of public infrastructure facilities owned or operated by or in behalf of the City for the purpose of providing services to the public including existing and new developments.
- c. Public infrastructure improvement: means an improvement to a component part of the above-defined public facilities system required in whole or in part as a consequence of development.

##### **2. Purpose, Applicability, and Designation.**

- a. Purpose: The purpose of a proportionality appeal is to assure that a requirement to dedicate, construct, or pay a fee for a public infrastructure improvement imposed on a proposed plat or development as a condition of approval does not result in a disproportionate cost burden on the property owner, taking into consideration the nature and extent of the demands created by the proposed development on the City's public facilities systems.
- b. Applicability: An appeal under this section may be filed by a property owner to contest any requirement to dedicate land, to construct improvements, to pay development fees, or other than impact fees for a public infrastructure improvement which requirement is imposed under the City's Article 6, Subdivision Regulations to a plat application pursuant to this regulation, whether the requirement is applicable under uniform standards or is imposed pursuant to an individual evaluation of the proposed subdivision.
- c. Designation: The City Manager may designate and retain another licensed professional engineer to perform the duties assigned to the City Engineer by this section as needed to adjust workflow or to provide specific expertise.

3. **Proportionality Determination by City Engineer.** Prior to consideration and approval of a final plat application or other requested permit requiring dedication or construction of a public infrastructure improvement, and upon receipt of a written request by applicant or platting entity, the City Engineer shall prepare a report affirming that each public infrastructure improvement to be imposed as a condition of plat or permit approval is roughly proportionate to the demand created by the development on the City's public facilities systems, taking into consideration the nature and extent of the development proposed. In making his proportionality determination, the City Engineer may rely upon data submitted by the developer or applicant as well as:
  - a. Findings pertaining to on-site improvements;
  - b. The proposed or potential use of the land;
  - c. The timing and sequence of development in relation to availability of adequate levels of public facilities;
  - d. Impact fee studies or other studies that measure the demand for services created by the development and the impact on the City's public facilities systems;
  - e. The function of the public infrastructure improvements in serving the proposed development; the degree to which public infrastructure improvements to serve the subdivision are supplied by other developments;
  - f. The anticipated participation by the City in the costs of such improvements or any reimbursements for the costs of public infrastructure improvements for which the proposed development is eligible; or
  - g. Any other information relating to the mitigating effects of the public infrastructure improvements on the impacts created by the development on the City's public facilities systems.

The proportionality assessment must be based upon an individualized determination related both in nature and extent to the impact of the proposed development, but no precise mathematical calculation is required. Wherever feasible and appropriate, the determination may incorporate or consider:

- a. Applicable federal, state, local, or regional data, statistics, guidelines, standards, methodologies, or studies; or
- b. Generally accepted best practices of the profession.

Based upon his proportionality determination, the City Engineer shall affirm that the developer's portion of the costs required for infrastructure improvements does not exceed the amount that is roughly proportionate to the impacts of the proposed development.

The City Engineer may promulgate any application requirements that may assist in making the proportionality determination required by this Subsection.

4. **Commission Determination.** The City Planning Commission shall take into account the City Engineer's report concerning the proportionality of public infrastructure improvement requirements to be applied to a proposed final plat application or permit approval, as the case

may be, in making its decision on the plat application or permit approval and shall identify any variation to the requirements that are to be included as conditions to plat or permit approval.

5. **Appeals for Exaction Variance.** An appeal to the City Council under this section may be filed by a property owner or the applicant for a final plat or permit, in which a requirement to dedicate land for, construct or pay a fee for a public infrastructure improvement has been applied or attached as a condition of approval by the Planning Commission for final plat approval or as grounds for recommending denial of the pending plat application.
  - a. **Time for Filing and Request for Extension of Time.** The appeal shall be filed in writing within ten days of the date of the Planning Commission's final plat approval or denial. The appeal shall be filed with the Development Services Department, who shall place the item for consideration at an upcoming meeting of the City Council.
  - b. **Form of Appeal.** An appeal under this Section shall allege that application of the standard or the imposition of conditions relating to the dedication, construction or fee requirement is not roughly proportional to the nature and extent of the impacts created by the proposed development on the City's public facilities systems, or does not reasonably benefit the proposed development.
  - c. **Study Required.** The appellant shall provide a study in support of the appeal that includes the following information within 30 days of the date of appeal unless a longer time is requested in writing not to exceed 60 days total:
    - i. Total capacity of the City's roadway, drainage, or park system to be utilized by the proposed development, employing standard measures of capacity and equivalency tables relating the type of development proposed to the quantity of system capacity to be consumed by the development. If the proposed development is to be developed in phases, such information also shall be provided for the entire development proposed, including any phases already developed.
    - ii. Total capacity to be supplied to the City's roadway, drainage, or park facilities system by the dedication of an interest in land, construction of improvements, or fee contribution. If the Plat application is proposed as a phased development, the information shall include any capacity supplied by prior dedication, construction, or fee payments.
    - iii. Comparison of the capacity of the City's public facilities system(s) to be consumed by the proposed development with the capacity to be supplied to such system(s) by the proposed dedication of an interest in land, construction of improvements, or fee payment. In making this comparison, the impacts on the City's public facilities system(s) from the entire development shall be considered.
    - iv. The amount of any City participation in the costs of over sizing the public infrastructure improvement to be constructed in accordance with the City's requirements.
    - v. Any other information that shows the alleged disproportionality between the impacts created by the proposed development and the dedication, construction, or fee requirement imposed by the City.



- d. **Evaluation; Recommendation.** The City Engineer shall evaluate the appeal and supporting study and shall make a recommendation to the City Council based upon the information contained in the study and the City Engineer's analysis based upon the same factors considered in making his original proportionality determination.
- e. **Decision.** The City Council shall decide the appeal and may take one of the following actions:
  - i. Deny the appeal and impose the standard or condition on the plat or permit application in accordance with the City Engineer's recommendation or the Planning Commission's decision on the plat;
  - ii. Deny the appeal upon finding that the proposed dedication, construction, or fee requirements are inadequate to offset the impacts of the subdivision on the public facilities system for water, wastewater, roadway, drainage, or park improvements and either deny the plat or permit application or require that additional public infrastructure improvements be made as a condition of approval of the application;
  - iii. Grant the appeal and waive in whole or in part any dedication, construction, or fee requirement for public infrastructure improvements to the extent necessary to achieve proportionality; or
  - iv. Grant the appeal and direct that the City participate in the costs of acquiring land for or constructing the public infrastructure improvement under standard participation policies.
- f. **Criteria for Approval.** In deciding an appeal under this section, the City Council shall determine whether the application of the standard or condition requiring dedication of an interest in land for, construction of, or payment of a fee for public infrastructure improvements is roughly proportional to the nature and extent of the impacts created by the proposed subdivision on the City's public facilities systems for water, wastewater, roadway, drainage, or park facilities and reasonably benefits the development. In making such determination, the Council shall consider the evidence submitted by the appellant, the City Engineer's report, and recommendation.
- g. **Action Following Decision.** If the relief requested under the proportionality appeal is granted in whole or in part by the City Council, the dedication, construction, or fee requirement initially recommended by the Planning Commission as a condition of plat or permit approval shall be modified accordingly and the standards applied or the conditions attached to approval of the plat or permit application shall be conformed to the relief granted.
- h. **New Study Following Modification.** If the plat or permit application is modified to increase the number of residential units or the intensity of non-residential uses, the responsible official may require a new study to validate the relief granted by the City Council.
- i. **Expiration of Relief.** If an applicant for plat or permit approval prevails on a proportionality appeal but fails to conform the Plat or Permit application to the relief granted by the City Council within the 90 day period provided, the relief granted by the City Council on the appeal shall expire.

- j. **Extensions.** The Council may extend the time for filing the revised plat or permit application for good cause shown, but in any event, the expiration date for the relief granted shall not be extended beyond one year from the date relief was granted on the appeal.
- k. **Subsequent Application.** If the Plat application for which relief was granted is denied on other grounds, a new petition for relief shall be required on any subsequent application.

## Division 12.400 Zoning Board of Adjustment

### SEC. 12.401 GENERAL POWERS

- A. **Generally.** The Zoning Board of Adjustment is a quasi-judicial board with the authority to hear certain matters under these regulations.
- B. **Decisions.** The Zoning Board of Adjustment shall have the following powers:
  - 1. **Variances.** Review and decide applications for variances from the provisions of these regulations, excluding matters related to subdivision regulation, as provided in Article 13, Permits and Procedures.
  - 2. **Special Exceptions.** Grant a special exception when the specific conditions for the special exception have been met. The special exception power is not an unlimited grant of authority to the Zoning Board of Adjustment but is limited exclusively to those exceptions specifically enumerated in these regulations. The Zoning Board of Adjustment shall grant a special exception only in the following instances and then only when the Zoning Board of Adjustment finds that such special exception will not affect adversely the value and use of adjacent and neighboring property or be contrary to the public interest.
    - a. Front and rear yard requirements in the following circumstances:
      - i. A front yard exception where the front yard setback of the adjacent lot does not meet the front yard requirements of these regulations;
      - ii. A rear yard exception where the rear yard setback of any two or more lots in the same block do not meet the rear yard requirements of these regulations;
      - iii. A yard exception on corner lots, or lots opposite or adjoining permanent open spaces, including parks and playgrounds; and
      - iv. An exception where the existing front yard setbacks of the various lots in the same block are not uniform, so that any one of the existing front yard setbacks shall, for a building hereafter constructed or extended, be the required minimum front yard depth.
  - 3. **Appeals.** Hear and decide appeals from:
    - a. Decisions of the Landmark Commission as provided in Article 13, Permits and Procedures.
    - b. Administrative decisions of the Development Services Director or other administrative staff of the City as provided in Article 13, Permits and Procedures.

C. **Prohibited Actions.** The Zoning Board of Adjustment shall not:

1. Approve a variance that would permit a use in a zoning district that prohibits that use.
2. Approve a variance that would allow a particular site improvement that is authorized only in specified zoning districts, along certain roadways, or in other areas of the City specifically identified in these regulations, to be constructed or placed in an area where it is not so authorized.
3. Approve a variance with any stated or implied time limit or duration, after which the approved variance would no longer apply to the subject property.
4. Approve a variance that would allow an action or activity that is prohibited by federal or state laws or regulations.

D. **Other Powers.** The Zoning Board of Adjustment is also empowered to:

1. Place upon any variance or special exception any condition reasonably necessary to protect the public interest and community welfare.
2. Revoke or modify a variance or special exception upon finding that:
  - a. Such variance or special exception was obtained or extended by fraud or deception.
  - b. One or more of the conditions imposed by the Zoning Board of Adjustment in granting such variance or special exception has not been complied with or has been violated.
  - c. The variance or special exception, although granted in accordance with all requirements of these regulations, has caused a nuisance or is otherwise detrimental to public health, safety, and welfare.
3. Grant a change of occupancy from one nonconforming use to another, provided the new use is within the same or a more restrictive use classification as the original nonconforming use. In the event a nonconforming use of a building may be changed to another nonconforming use of a more restrictive classification, it shall not later be changed to a less restrictive classification of use and the prior less restrictive classification shall be considered to have been abandoned.

## Division 12.500 Landmark Commission

### SEC. 12.501 GENERAL POWERS

- A. **Generally.** The Landmark Commission works to protect, enhance, and promote landmarks and districts of historical importance in the city. The Landmark Commission shall have final decision-making authority in some decisions, and in others shall make recommendations to City Council and/or the Planning Commission.
- B. **Qualifications** All regular members shall be appointed by City Council to serve in a specified position as designated below. City Council shall appoint regular members to serve in positions one through seven. City Council shall appoint the ex-officio to position eight. City Council shall appoint alternates who fulfill the requirements of positions one through four. The alternates shall not be owners from the same historic zoning district. The designated positions shall be:

**Position 1.** An owner of a commercial building or commercial business located in a historic zoning district or an owner of a residential condominium in the Strand/Mechanic Historic District;

**Position 2.** An owner of a residential historic structure located in a historic zoning overlay or historic district;

**Position 3.** An owner of a historic structure located in a historic zoning overlay or historic district;

**Position 4.** An owner of a historic structure located in a historic zoning overlay or historic district, or an owner of a structure located in a neighborhood conservation district;

**Position 5.** A practicing design professional, including but not limited to: an architect, a landscape architect, an engineer, or an interior designer;

**Position 6.** Any resident of the City, including within a NCD or historic zoning overlay or historic district;

**Position 7.** Any resident of the City, including within a NCD or historic zoning overlay or historic district; and

**Position 8.** A member of City Council, who shall be non-voting on the Landmark Commission.

In addition to meeting the requirements of the appointed position, all regular members and alternates shall have a demonstrated interest or competence in, or knowledge of historic preservation.

C. **Decisions.** The Landmark Commission shall have the following powers:

1. **Review and Decision.** The Landmark Commission shall review and decide the following types of development related applications except for those which are handled administratively by the Historic Preservation Officer as provided through the administrative approval provisions in the City's adopted *Historic Design Standards*:

- a. Certificates of appropriateness where required in accordance with these regulations including for proposed demolition of structures;
- b. Signs within a historic overlay district;
- c. Appeals from administrative decisions regarding design plans and certificates of zoning compliance for the demolition, relocation, new construction or an alteration or addition to the street facade of an existing building or structure within a designated NCD;
- d. Determination of claims of economic hardship by applicants following denial of a certificate of appropriateness;
- e. Moving a GL from the location where it was designated; and
- f. Any other actions specifically assigned by these regulations.

2. **Review and Recommendation.** The Landmark Commission shall review and make a recommendation for the following types of applications:

- a. To the Planning Commission and City Council for creation and/or amendment of historic overlay districts and designation of GLs and NCDs.
- b. To the Planning Commission for permanent licenses to use (LTU) City right-of-ways, when the request is within a HOD, as provided in Chapter 32-5 of the City Code of Ordinances.
- c. To the Planning Commission and Council for abandonment of any City street right-of-way or real property interest in a HOD.
- d. Any other review and recommendation responsibilities specifically assigned by these regulations.

**D. Other Powers.** The Landmark Commission may also:

- 1. Initiate zoning map amendments to designate a GL, HOD, or NCD.
- 2. Develop, adopt and amend design standards consistent with the *United States Secretary of the Interior's Standards for Rehabilitation* to be used by the Landmark Commission.
- 3. Exercise its authority, under Texas Local Government Code Section 214.00111, to review a substandard building that is subject to potential corrective action by the City to determine if the building can be rehabilitated and receive a national, state, or municipal historic designation.
- 4. File appropriate documents in the real property records of Galveston County.
- 5. Conduct surveys and provide information to enable the City to compile and maintain the Galveston Landmark Register of Historic Places, which provides an inventory of significant historic, architectural, and cultural landmarks located within the City.
- 6. Confer recognition upon the owners of GLs, including through the issuance of certificates, plaques, or markers.
- 7. Testify before City boards and commissions on matters affecting historically, culturally or architecturally significant areas, building, sites, objects, structures, or historic districts.
- 8. Provide comments to the State Historic Preservation Officer (SHPO) regarding designation on the National Register of Historic Places within the City.
- 9. Inform and educate the citizens of Galveston concerning the historical, cultural, and architectural heritage of the City.
- 10. Periodically review the City's zoning regulations and *Historic Design Standards* and recommend to Council amendments the Landmark Commission deems appropriate for the continued preservation and protection of landmarks, buildings, objects, sites, structures, and historic districts.
- 11. Submit an annual report to Council summarizing the Landmark Commission's previous year of work, on a yearly timetable established by the Commission in conjunction with the Historic Preservation Officer.

12. Apprise Council of, and make recommendations pertaining to, the availability of state, federal, or other funds that can be used to promote the preservation of landmarks and historic districts within the City.
13. Provide comments to the Historic Preservation Officer about zoning changes and other issues affecting historic resources.
14. Coordinate plans and programs of the Landmark Commission with City departments and other City boards through the Historic Preservation Officer.

# **ARTICLE 13. PERMITS AND PROCEDURES**

## **Division 13.100 Purpose**

### **SEC. 13.101 PURPOSE**

The purpose of this Article is to establish procedures for the processing of permits and approvals that affect the development and use of property subject to the jurisdiction of the City.

## **Division 13.200 Permits and Approvals**

### **SEC. 13.201 PERMIT REQUIREMENT**

Approvals and permits are required for development within the City. The required approvals and permits are set out in this Division.

### **SEC. 13.202 ADMINISTRATIVE PERMITS AND APPROVALS**

Administrative permits and approvals generally are processed by City staff and do not involve board/commission review or public hearing.

#### **A. Certificate of Zoning Compliance.**

1. A Certificate of Zoning Compliance is required prior to the use of any land or the occupancy of any building that is erected, converted, or structurally altered in accordance with the requirements of Chapter 10, Building Code, of the City Code of Ordinances.
2. The Development Services Director issues a Certificate of Zoning Compliance upon demonstration that the proposed use of the building or land will comply with the applicable provisions of these regulations.

#### **B. Limited Use Approval.**

A limited use approval applies to permitted uses that are subject to limitations as provided in Article 2, Table of Permitted Land Uses.

#### **C. Temporary Use Certificate.**

A temporary use is a unique short-term use that will be discontinued after a specified time. Such uses include, but are not limited to, special events, construction buildings, and seasonal businesses pursuant to Section 13.202D. Prior to the establishment of a temporary use within the City, a Temporary Use Permit (TUP) must be obtained.

1. The purpose of a TUP, which is an administrative permit issued by the Building Official, is to ensure compatibility of the temporary use with surrounding properties. Areas to be reviewed as part of the permit process include traffic circulation, parking, public conveniences, signs, and any other special operating

characteristics. This permit will specify the use, establish a period of time for which the use is approved, and any special conditions attached to the approval.

2. Appeal of a denial of a TUP shall be made to the Zoning Board of Adjustments.

**D. Permitted Temporary Uses.**

1. The following may be permitted by the building official as temporary uses under this division:
  - a. Model homes or apartments and related real estate services, if the use is located within the residential development to which the use pertains;
  - b. A circus, carnival, rodeo, fair, or similar activity if the use is located at least 200 feet from a R-0, R-1, HZD, UN, and R-2 zoning districts;
  - c. An outdoor art or craft show or exhibit;
  - d. Christmas tree sales;
  - e. An on-site construction field office, if the use is located in a portable structure and conducted for not more than 6 months;
  - f. Seasonal retail sale of agricultural or horticultural products if the use is located at least 200 feet from an R-0, R-1, R-2, HZD, and UN zoning districts; or
  - g. Seasonal day care if the use is conducted for not more than eight hours a day and not more than 30 days a year.
2. A sales office for a new subdivision may be permitted as a temporary use under this division if the sales office is located within the subdivision and at least 200 feet from existing dwellings outside the subdivision.
  - a. A sales office for a new subdivision may not be operated after:
    - i. The expiration of four years from the date the first construction permit issued in the subdivision; or
    - ii. The date by which 93 percent of the lots are sold.
  - b. The Zoning Board of Adjustment may grant an extension of the deadlines described in this subsection.
3. An outdoor public, religious, patriotic, or historic assembly or exhibit including a festival, benefit, fund raising event, or similar use that typically attracts a mass audience may be permitted as a temporary use under this division if:
  - a. For a gathering of not more than 30 persons, the use is not located in an R-2 or more restrictive zoning district;
  - b. For a gathering of more than 30 persons, the use is not located in an MF or more restrictive zoning district; or
  - c. For an exhibit, the use is not located in a TN or more restrictive zoning district.



4. A single dwelling located in a mobile structure on a construction site may be permitted as a temporary use under this division if the Building Official determines that the dwelling is required to provide security against nighttime theft or vandalism. The Building Official may allow the use for a period of up to six months and, if requested by the applicant, may extend that period for an additional six months. An applicant may appeal to the Zoning Board of Adjustment a denial of the use by the Building Official.
5. An outdoor special sale, including a swap meet, flea market, parking lot sale, or similar activity may be permitted as a temporary use under this division if the use is located in an industrial zoning district. An outdoor special sale may be conducted on not more than three days in the same week and not more than five days in the same month.
6. Within the Commercial Business District (CBD), retail services may be permitted as a temporary use in accordance with the requirements of this subsection. The retail use must:
  - a. Be located within an enclosed fire area, as defined by the Building Code, that does not require structural changes to accommodate the use; and
  - b. Have an approved certificate of occupancy or temporary certificate of occupancy.
  - c. The retail use may not exceed 12,000 square feet in area unless an approved sprinkler system has been installed in accordance with the Fire Code;
  - d. The following uses and activities may not be permitted as a temporary retail use under this subsection:
    - i. Personal services;
    - ii. Food preparation including shaved ice vending unless licensed or permitted by required health authority;
    - iii. Sale or consumption of alcoholic beverages;
    - iv. A portable toilet serving the retail use whether located inside or outside of the use; or
    - v. Storage of hazardous materials as defined by the Fire Code.
7. A permit for a temporary retail use under this subsection may be issued for up to 90 days and renewed once for a total operating period not to exceed 180 days.
8. The Building Official may permit other temporary uses that are similar to those described in this section.

**E. Temporary Use Application, Approval, and Extension.**

1. A person may file an application to conduct a temporary use with the Building Official. The person must file the application at least 10 days before the requested date for beginning the temporary use.

2. An application must include a diagram and description of the use and all additional information required by the Building Official to make a determination under this division.
3. After making a determination, the Building Official shall approve, conditionally approve or deny an application for a temporary use not later than the 10<sup>th</sup> day after the date the application is filed.
4. If the Building Official approves or conditionally approves a temporary use, the Building Official shall issue a building permit, certificate of occupancy, or temporary use permit.
5. Except as provided in subsection 13.202.F, the Building Official may renew or extend an authorization for a temporary use if requested by the applicant.
6. Unless further limited by the requirements of this division, a temporary use may continue for not more than 180 days. An applicant must file a new application to continue a temporary use beyond that period.

**F. Temporary Use Determinations.** The Building Official may permit a temporary use after determining that the temporary use:

1. Will not impair the normal, safe, and effective operation of a permanent use on the same site;
2. Will be compatible with nearby uses;
3. Will not adversely affect public health, safety, or convenience;
4. Will not create a traffic hazard or congestion;
5. Will not interrupt or interfere with the normal conduct of uses and activities in the vicinity; and
6. Will not operate from a facility that is poor state of disrepair, including rust, peeling paint, offensive signage, structural damage, improper vehicle suspension, or poor design.

**G. Sign Permit.**

1. A Sign Permit is required prior to the installation of a new sign or modification of any existing sign, with the exception of exempt signs (and refacing of existing signs) as identified in Article 5, Signs.
2. The Development Services Director issues all sign permits, except for those issued by the Historic Preservation Officer within historic districts following design review. However, when applicable, the following special approvals are required from the Development Services Director and several situations require approvals from other bodies prior to the issuance of the sign permit:
  - a. license to use public right-of-way for temporary vertical banner signs;
  - b. license to use public right-of-way for long-term vertical banner signs;

- c. approval of transfer of a permit for a billboard sign;
- d. approval of additional height for a legally nonconforming billboard sign;
- e. approval of sign design in a NCD; and
- f. approval of sign design in the Broadway Overlay Zone, Seawall Development Zone, and Gateway Development Zone.

**H. License to Use.** A License to Use (LTU) is required prior to placing items within or otherwise obstructing City right-of-ways in accordance with Chapter 32-5 of the City Code of Ordinances.

### **SEC. 13.203 DISCRETIONARY APPROVALS AND DESIGNATIONS**

Discretionary approvals and designations generally require review by and/or public hearing before one or more City Boards or Commissions.

#### **A. Rezoning.**

- 1. A zoning map amendment is a change to the Official Zoning Map and includes creation and/or amendment of overlay districts, specific use permit approval, and designation of GLs, HZDs, and NCDs.
- 2. The Map and classification amendments are approved by the City Council after recommendation of the Planning Commission and recommendation of the Landmark Commission for properties in historic districts.
- 3. The Map and classification amendments also refer to instances where property designated as a temporary classification as a result of annexation is granted a permanent zoning classification.

**B. Classification of New and Unlisted Uses.** Any proposed use that is not explicitly classified as a permitted, specific, temporary, or prohibited use shall be reviewed and considered by the City Council for classification. The City Council may either choose to interpret the proposed use as an existing classified use, or adopt it as a new use and designate it as a permitted, specific, temporary, or prohibited use based on the base and/or overlay zoning district(s).

#### **C. Specific Use Permit.**

- 1. A Specific Use Permit (SUP) is required prior to the establishment of any use that is classified by these regulations and subject to review as a specific use or for any use or activity which otherwise requires a SUP.
- 2. SUPs are approved by the City Council after recommendation of the Planning Commission and of the Landmark Commission for applications within historic districts and/or as they relate to GLs.

#### **D. Temporary Permit for a Mobile Home, Travel Trailer, or Camper on a Single Lot.**

- 1. A temporary permit is required for the location and use of a single mobile home, travel trailer, or camper on any lot in any zoning district. The intent of this

temporary permit provision is to provide for flexibility of land use in community reorganization during periods immediately following natural disasters such as floods, fires, or such other emergency purposes.

2. The Zoning Board of Adjustment grants such temporary permits for periods not to exceed six months subject to such terms, conditions, or special limitations as the Zoning Board of Adjustment may prescribe or impose. The Zoning Board of Adjustment may extend any such temporary permit for up to 12 additional months, but the total term of any such permit including extensions shall not exceed 18 months.

E. **Change of Occupancy for a Nonconforming Use.** A change in occupancy within an existing structure, building, or site from an existing nonconforming use to a new nonconforming use must be approved by the Zoning Board of Adjustment.

F. **Site Plan Approval.**

1. Site plan approval is required prior to the issuance of a building permit for the construction, erection, or alteration of a structure or building in any zoning district where these Regulations specify such approval.
2. The Development Services Director administers the site plan review and approval process.

G. **Sign Permit.**

1. A sign permit is required prior to the installation of a new sign or modification of any existing sign with the exception of exempt signs (and refacing of existing signs) as identified in Article 3, Signs.
2. The Development Services Director issues all sign permits, except for those issued by the Historic Preservation Officer within historic districts following design review. However, when applicable, the following special approvals are required prior to the issuance of the sign permit:
  - a. Special approvals issued by the Planning Commission;
  - b. Special approvals and recommendations issued by the Landmark Commission. Approval of a sign design, in a designated historic district, when the design does not strictly conform to the City's adopted *Design Standards for Historic Properties* (and, therefore, cannot be approved administratively by the Officer).

H. **Alternative Standard of Compliance with Subdivision Regulations.**

1. An alternative standard of compliance enables an applicant to propose variations from certain subdivision standards prescribed by these regulations and still achieve substantial compliance with the regulations.
2. The Planning Commission approves alternative standards of compliance as provided in Article 6, Subdivision Design and Land Development.

**I. Variance from Zoning Development Standards.**

1. A variance from zoning development standards is a variance from any standard of these regulations other than standards specifically related to subdivisions.
2. Variances from zoning development standards are approved by the Zoning Board of Adjustment except for the following:
  - a. Variances granted by the Landmark Commission for on-site parking requirements in a historic district; and
  - b. Variances granted by the Development Services Director:
    - i. Parking lot landscape credit.
    - ii. Parking lot landscape exceptions and variances.
    - iii. Temporary exceptions to outdoor lighting standards.
    - iv. Exceptions to outdoor lighting standards for special events.
3. Variances from airport height hazard regulations shall be reviewed by the Zoning Board of Adjustment. The Zoning Board of Adjustment shall conduct a review with a recommendation from the Airport Manager. If the Airport Manager does not respond within 13 days of receipt of the application, the Zoning Board of Adjustment may act on its own to grant or deny said variance.

**J. Designation of a Galveston Historic Landmark.** Any structure, object, site, or building may be considered for historic landmark designation as long as it is at least 30 years old.

1. Application for a Galveston Landmark (GL) designation must be submitted by a majority of the owners of the subject property, and said owners shall swear or affirm that they are the majority of property owners and consent to the designation of a GL.
2. The following administrative bodies have decision-making authority with regards to the GL designation:
  - a. The Landmark Commission reviews and recommends the historic landmark designation based on the criteria set forth in Article 2, Permitted Uses and Supplemental Standards.
  - b. The Planning Commission also reviews and recommends the historic landmark designation.
  - c. The City Council shall grant final approval of the historic landmark designation after recommendation of the Planning Commission and the Landmark Commission.

**K. Designation of a Historic District.** A specific geographic area or collection of structures, objects, sites, or buildings may be considered for designation as a HZD.

1. Application for a historic zoning district designation is initiated by submitting a petition signed by a minimum of 31 percent of the property owners in the proposed district who request the designation.
  2. The following administrative bodies have decision-making authority with regard to the HZD designation:
    - a. The Landmark Commission reviews and recommends the historic zoning district designation based on the criteria set forth in Article 2, Permitted Uses and Supplemental Standards.
    - b. The Planning Commission also reviews and recommends the HZD designation.
    - c. The City Council shall grant final approval of the HZD designation after recommendation of the Planning Commission and the Landmark Commission.
- L. Designation of a Neighborhood Conservation District (NCD).**
1. A NCD may be designated according to the criteria set forth in Article 2, Permitted Uses and Supplemental Standards.
  2. Application for a NCD designation may be initiated by any of the following:
    - a. Property owners representing 31 percent of the land area within the proposed district;
    - b. 31 percent of property owners within the proposed district; or
    - c. The Landmark Commission, Planning Commission or City Council. Before a NCD can be initiated by a City entity, the following shall be required:
      - i. A minimum of two public forums held with the affected property owners/tenants; and
      - ii. A minimum of two notices either hand delivered or mailed to all affected property owners/tenants inviting participation and advising of meeting times and dates.
  3. The following administrative bodies have decision-making authority with regards to NCD designation:
    - a. The Landmark Commission reviews and recommends the NCD designation based on the criteria set forth in Article 2, Permitted Uses and Supplemental Standards.
    - b. The Planning Commission also reviews and recommends the NCD designation.
    - c. The City Council shall grant final approval of the NCD after recommendation of the Planning Commission and the Landmark Commission.

**M. Certificate of Appropriateness.**

1. A Certificate of Appropriateness is required prior to the issuance of a building permit for the improvement, construction, reconstruction, repair, or demolition of any building, structure, or site designated as a historic landmark.
2. The Landmark Commission approves Certificates of Appropriateness, except as administrative approvals are provided for by these regulations and/or by the City's adopted *Design Standards for Historic Properties*.

**N. License to Use.**

1. A License to Use (LTU) is required prior to placing items within or otherwise obstructing City right-of-ways.
2. The Landmark Commission reviews and makes recommendations to the Planning Commission for permanent licenses to use when the request is within a designated historic district.

## **Division 13.300 Standardized Development Approval Procedures**

### **SEC. 13.301 GENERALLY**

- A. **Generally.** The standardized development approval procedures of this Division apply to all permit and approval applications that are set out in Division 13.200, Permits and Approvals and Division 13.500, Subdivision Plat Procedures.

### **SEC. 13.302 PRE-APPLICATION CONFERENCES**

- A. **Generally.** The purpose of a pre-application conference is to familiarize the applicant with the development review and approval process and applicable provisions of these Regulations that are required to permit the proposed development.
- B. **Requirements.** A pre-application conference is recommended for all applications for development approvals that require public hearings, unless waived by the Development Services Director as provided in subsection 13.202.C.3, below. A pre-application conference is optional for all other application types. Pre-application conferences do not apply to administrative appeals.
- C. **Authority of Development Services Director.**
1. The Development Services Director may establish a regular schedule for conducting pre-application conferences.
  2. The Development Services Director may provide for conducting pre-application conferences in person, by telephone, or by internet-based conferencing.
  3. The Development Services Director may waive a pre-application conference if the Development Services Director and the applicant agree that such conference is unnecessary to serve the purposes set out in Section 13.302.A.

### SEC. 13.303 APPLICATIONS

- A. **Generally.** Every application for an approval required by these regulations shall be submitted on a form approved by the Development Services Department and shall include the corresponding application fee.
- B. **Applicant.** Unless otherwise specified in these regulations, applications for review and approval may be initiated by the owner of the property that is the subject of the application or the owner's authorized agent. When an authorized agent files an application under these regulations on behalf of a property owner, the agent shall provide written documentation that the owner of the property has authorized the filing of the application. This requirement shall be satisfied upon the submittal of an application bearing the owner's name and signature as verified by a notary public.
- C. **Representation of Facts.** It shall be unlawful for any person to knowingly or willfully misrepresent or fail to include any information required by these regulations on any application. If development is approved based on an application that contained misrepresentations or failed to contain material facts required by the application, then the City shall place a stay or stop work order on the development or use. The stay or stop work order shall remain in place until such time that the approval body receives the required information and is satisfied as to the appropriateness of the approval granted.
- D. **Waiver of Submittal Requirements.** The Development Services Director may waive certain submittal requirements in order to tailor the application to focus on the information necessary to review a particular case or if they find that the project size, complexity, anticipated impacts, or other factors associated with the proposed development clearly, in the Development Services Director's sole judgment, support such waiver.
- E. **Additional Requirements.** The Development Services Director or any director of the City, a service or utility provider, or county which has authority to review and/or approve may also add requirements to the submittal when it is reasonably foreseeable that additional information will be needed to resolve questions of compliance with the requirements of these regulations or other policies or plans of the City, any service or utility provider, or county that is associated with or may be affected by the project.

### SEC. 13.304 APPLICATION COMPLETENESS REVIEW

- A. **Generally.** All permit and approval applications shall be reviewed for completeness by the Development Services Department.
- B. **Incomplete Applications.**
  - 1. Incomplete applications shall be reviewed within 10 days shall be returned to the applicant, along with partial or full refund of any fee included with the application (as indicated in the fee schedule which accompanies these regulations), and with a written explanation that describes the necessary documents or other



information that must be submitted in order to complete the application and shall specify the date the application will expire if the necessary documents or other information is not provided.

2. An application that does not include the applicable processing fee shall not be considered complete.
  3. Incomplete applications will be denied and shall expire in 45 days if the necessary documents or other information that is required is not provided.
- C. **Complete Applications.** Complete applications shall be processed according to the applicable procedures of this Article.
- D. **Waiver of Application Requirements.** The Development Services Director may waive application requirements, except application fees, if it is obvious that they do not relate to the processing of the specific application for which the waiver is requested.

### **SEC. 13.303 STAFF REVIEW AND REFERRAL**

- A. **Generally.** Upon determination that an application is complete, the Development Services Director shall cause the application to be reviewed for technical compliance with all applicable requirements of these regulations.
- B. **Recommended Revisions.**
1. The Director of Development Services shall provide comments from City staff to the applicant, who shall revise and resubmit materials with appropriate changes within the time required by Section 13.306, Dormant Applications.
  2. The resubmittal shall not require an application fee unless both of the following conditions are met:
    - a. The revisions are inappropriate or incomplete; and
    - b. Repeated failure to address comments requires more than three rounds of revisions.
- C. **Administrative Recommendation or Decision.** Complete applications shall be processed as follows:
1. If the application is for an administrative permit approval, the Development Services Director shall approve, approve with conditions, or deny the application as appropriate.
  2. For minor plats, such decisions or referrals shall be made within 30 days of the City staff determination of a complete application.
  3. The Development Services Director may refer all applications for administrative permits to the Planning Commission for a decision. The Historic Preservation Officer may refer administrative certificates of appropriateness to the Landmark Commission.

## **SEC. 13.306 DORMANT APPLICATIONS**

- A. **Generally.** Applications for development approval must be diligently pursued by the applicant. Accordingly, this Section extinguishes applications that become inactive by the applicant, whether this inaction is during an administrative review process conducted by City staff or after staff has forwarded an application and it is under consideration by a City board or commission identified in Article 12, Administrative Bodies.
- B. **Expiration of Dormant Applications.**
1. When an action by the applicant is required for further processing of an application (for example, submittal of supplementary documentation or payment of outstanding fees), the application shall expire 45 days after the date that the action is requested if:
    - a. The applicant fails to take action by the date specified in the written notice of the expiration of the application or permit; or
    - b. The applicant fails to request an extension of time pursuant to Section 13.306.C.
  2. When an action by the applicant is required for further processing of an application for preliminary plan or plat approval, the application shall expire 45 days from receipt of the application if the application has remained dormant during that period where no activity has occurred toward the completion of the application, where changes or corrections are required, or where instruments or documents requested or required are not forthcoming from the property owner or authorized agent within the time period provided for completion and an extension of time has not been requested pursuant to Section 13.306.C.
  3. No refunds of application fees will be issued to applicants whose applications expire pursuant to Section 13.306.
- C. **Extension of Time.** The time for expiration of an application may be extended by up to six additional months upon written request of the applicant before the end of the period set out in 13.306.B.
- D. **Effect of Expiration.** Dormant applications shall expire unless the applicant can show progress toward completion of the project as follows:
1. An application for a final plat or plan is submitted to the City;
  2. A good-faith attempt is made to file an application for a permit necessary to begin or continue towards completion of the project;
  3. Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the

aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;

4. Fiscal security is posed to ensure performance of a required obligation; or
  5. Utility connection or fess or impact fees for the project have been paid.
- E. Any application proposal for a lot, parcel, or tract, regardless of the commonality with an expired application will be treated as a new application subject to requirements in effect at the time of the most recent submittal and with new fees.

#### **SEC. 13.307 ADDITIONAL RECOMMENDATIONS**

- A. **Generally.** The City Council, Planning Commission, Landmark Commission, and Zoning Board of Adjustment may, at their discretion, seek additional recommendations from any City department, City Board or Commission, ad hoc committee, task force, subcommittee, other public agency at any level of government, community group or organization, or others as deemed necessary to make any decision or to gain insight or information related to any case or decision pending before them if within their purview to seek such evidence.
- B. **Documentation.** The additional information and/or recommendations shall be made a part of the record of the case.

#### **SEC. 13.308 PUBLIC NOTICE**

- A. **Generally.** Public notice shall be provided as required by law or this section.
- B. **Mailed Notice.** If a mailed notice is required, then the Development Services Director or their designee shall deposit such notice into the mail not less than 10 days prior to the date of the hearing. Written notice shall be provided to owners of the parcels within 200 feet of the outer boundary of the land subject to the application at the mailing addresses of such persons in the records of the Appraisal District.
- C. **Posted Notice.** A posted notice may be required for proposed zoning map amendments (rezoning) and specific use permits except when a proposed map amendment is initiated by the City. The City may place a sign on the subject property at least 10 days prior to the scheduled meeting of the decision-making body, and the sign shall remain until after the final scheduled meeting regarding the subject application. Signs shall be located so that the lettering is visible from abutting public right-of-way. If no part of the subject property is visible from a public right-of-way, the notice shall be posted along the nearest street in the public right-of-way in a location that does not obstruct sight lines that are necessary for public safety. The inadvertent removal of the posted notice (sign) shall not invalidate the statutory or ordinance required publication procedure for the zoning ordinance or map amendments.
- D. **Content of Notice.** All notices shall include the following contents:
1. The street address of the property (if a street address is assigned);

2. The name of the applicant;
  3. The type of approval sought (*e.g.*, rezoning);
  4. A brief description of the application;
  5. The case number;
  6. The date, time and location of the meeting at which the application will be considered for approval;
  7. The phone number of the Development Services Department; and
  8. For mailed and published notices, the legal description of the property.
- E. **Computation of Time.** In computing the time periods for providing notice pursuant to this Section, the day of mailing, publication and/or posting shall not be counted, but the day of the hearing shall be counted.
- F. **Constructive Notice.** Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description or location map that are not substantial with respect to the general location of the property, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall direct the Development Services Director to make a formal finding as to whether there was substantial compliance with the notice requirements of these regulations and such finding shall be made available to the decision-making body at the same meeting or prior to final action on the application.

### **SEC. 13.309 PUBLIC MEETINGS AND PUBLIC HEARINGS**

- A. **Generally.** All meetings of the City Council and appointed boards and commissions shall be open to the public except as otherwise provided in the Open Meetings Act (Texas Local Government Code Chapter 551). However, not all decisions require public hearings. Therefore, recommendations and decisions that are authorized by these Regulations are classified as requiring a "public meeting" or "public hearing."
- B. **Joint Meetings.** Any public hearing required by these regulations or the laws of the State of Texas may be held jointly with any public hearing required to be held by the City Council or any other City Board or Commission except the Zoning Board of Adjustment. Such joint meetings may be held after published notice as required by law.
- C. **Consent Agendas for Public Meetings.** The City Council and any City Board or Commission that is identified in Article 12, Administrative Bodies except the Zoning Board of Adjustment may utilize a consent agenda. The consent agenda may consist

of all matters brought before the decision-making body for action that do not require a public hearing. All items on the consent agenda shall be approved simultaneously by motion without comment or debate. An item may be removed from the consent agenda prior to approval at the request of any member of the decision-making body present at the meeting or by City staff. Items removed from the consent agenda shall be considered on the regular agenda.

**D. Public Hearings.**

1. **Procedures.** All decision-making bodies shall adopt rules of procedure for the conduct of public hearings. The following general procedures shall be reflected in the adopted rules of procedure:
  - a. Any person may appear at a public hearing, submit evidence, and be heard.
  - b. If a speaker represents an organization, the body conducting the hearing may request written evidence of that person's authority to speak on behalf of the group in regard to the matter under consideration.
  - c. Persons appearing at a public hearing shall identify themselves and state their address and similar information about any organization they represent.
  - d. Citizens, applicants, and the City have the right to present expert witnesses.
  - e. The chairperson may impose a reasonable time limit on speakers and may limit testimony that is deemed irrelevant or redundant.
2. **Representation.** Persons appearing before a decision-making body may appear in person or through a representative or agent. The representative or agent shall provide written authorization from the property owner granting the representative or agent authority to represent the property owner's interest in the application
3. **Decisions.**
  - a. Except where these regulations or Texas statutes provide otherwise, official action requires the favorable vote of a majority of a quorum present.
  - b. A favorable vote by the Zoning Board of Adjustment shall be governed by Texas Local Government Code Chapter 211.009.
  - c. Except when voice votes are authorized, a vote shall be conducted in accordance with the boards adopted rules of procedure.
4. **Time Limitations for Decisions.** For final plats and final development plans, the Planning Commission shall decide the application within 30 days of the date when City staff deemed the application complete and placed the application on the Planning Commission's agenda unless the applicant agrees to extend the 30 day time limit pursuant to Section 13.311.B.3.a.

- E. **Conditions of Approval.** Some procedures set forth in these regulations authorize the decision-making body to impose such conditions upon the property benefited by the

approval as may be necessary to reduce, minimize, or eliminate potential adverse impact upon other property in the area or to carry out the general purpose and intent of the Comprehensive Plan and these regulations. In such cases, any conditions attached to approvals shall be directly related to the impacts of the proposed use or development and shall carry out the general purpose and intent of the *City of Galveston 2011 Comprehensive Plan* and these regulations. No conditions of approval, except for those attached to variance or minor modification approvals, shall be less restrictive than the requirements of these regulations.

### **SEC. 13.310 RECONSIDERATION OR REHEARING OF DECISIONS**

- A. **Generally.** Decisions of the Planning Commission, Zoning Board of Adjustments, or the Landmark Commission may be brought up for a rehearing according to this Section. Decisions of the Planning Commission governed by the Article 6, Subdivision and Development Standards are not subject to the reconsideration or rehearing provision established in this Section.
- B. **Limitations.** A request for reconsideration or rehearing will be granted only if a member of the prevailing side of a vote of the board or commission finds, by majority vote of a quorum present, that:
  - 1. There was substantial procedural error in the original proceeding;
  - 2. The board or commission acted without jurisdiction in the original proceeding, and such jurisdictional defect has been since remedied; or
  - 3. The original decision was based upon misunderstanding, fraud, or misrepresentation.
- C. **City Initiation.** If the reason for reconsideration or rehearing is based on subsection B.3, above, then only the City is authorized to present a case for rehearing or reconsideration. If there was or is suspected by the City to be intentional fraud or misrepresentation, the City may pursue any remedy at law through criminal or civil proceedings for compensatory and punitive damages allowed by law.
- D. **Conduct of Rehearing.** A rehearing shall be conducted in the same manner as required for the original proceedings before the board or commission and shall be subject to all requirements under this Article as applicable. If the initial hearing required a public hearing, any rehearing of a case or requested action shall also require a public hearing.
- E. **Timing of Rehearing.**
  - 1. **Same Meeting.** At the same meeting, the decision-making body may reconsider its decision based on reasons under subsection 13.310.B, above.
  - 2. **Different Meeting.** An exception to subsection 13.310.B, above, may be authorized by the Development Services Director, who shall consider changed conditions not previously known or addressed.

3. **Delayed Consideration.** Any reconsideration of a decision for a reason not listed under subsection 13.310.B, above, shall only occur after a period of six months from the date of the original decision.

#### **SEC. 13.311 CONTINUANCES AND WITHDRAWAL**

- A. **Generally.** Consideration of applications may be postponed or applications withdrawn as provided in this Section.
- B. **Continuances.**
  1. **Request or Motion to Continue.** Consideration of an application may be postponed upon motion of the decision-making body or upon request of the applicant before a decision is made on the application.
  2. **Period of Continuation.** Should any item before a decision-making body be postponed in anticipation of information or events to occur prior to rendering a decision, such tabling shall be postponed to a date certain meeting.
  3. **Decision Required.** If at the conclusion of the continuation period the item under consideration remains in the same and/or unchanged state or condition as existed when the item was initially tabled, the item shall be removed from the table and shall either be approved based on the available information or shall be disapproved. In the case of a subdivision application, the decision to approve or deny the plat shall be made within 30 days of the date when City staff deemed the application complete unless the applicant withdraws the plat from consideration or submits a sworn written statement agreeing to suspend the 30 day time limit.
- C. **Withdrawal.** Any application may be withdrawn, either in writing or on the record during the proceeding, before the recommendation or decision is made.

#### **SEC. 13.312 EFFECT OF APPROVAL**

Approval of an application shall be deemed to authorize only the particular use, plan, or other specific activity for which the approval was granted. Approvals shall run with the particular land for which approval is given. Text amendments to these Regulations are not related to particular parcels.

#### **SEC. 13.313 EFFECT OF INACTION BY DECISION-MAKER**

When a review or decision-making body does not take action on an application within the time required, which varies by type of application, such inaction shall be deemed a denial of the application unless:

- A. The decision-making body agrees to an extension of the time frame, or, in the case of subdivision plat review governed by Texas Local Government Code Section 212.009, the applicant submits a sworn written statement agreeing to suspend the 30 day time limit; or

- B. The decision-making body is a board or commission that did not meet between the date of application and the date by which action is required.

### **SEC. 13.314 SUCCESSIVE APPLICATIONS**

- A. **Generally.** It is the policy of the City not to hear successive applications for a substantially similar application after an application is denied. The limitations of this Section prevent the consideration of successive applications.
- B. **Time Required Between Substantially Similar Applications.** The City shall not accept any application that is substantially similar to an application that was denied within the periods set out below:
  - 1. **Generally.** Six months shall elapse between the date an application is denied and the date a substantially similar application is filed.
  - 2. **Zoning Map, Classification, and Text Amendments.** Zoning Amendments follow the general rule of subsection 13.313B.1, above, except that if substantially similar rezoning applications are denied twice, two years shall elapse from the last date of denial before a new substantially similar application is accepted for processing.
  - 3. **Variances, Special Exceptions and Appeals Heard by the Zoning Board of Adjustment.** One year shall elapse between the date an application is denied and the date a substantially similar application is filed.
  - 4. **Appeals to the City Council.** One year shall elapse between the date an application is denied and the date a substantially similar application is filed.
- C. **Appeal and Waiver of Restrictions.** The determination by the Development Services Director that an application is substantially similar to a denied application is subject to administrative appeal to the Zoning Board of Adjustment.

### **SEC. 13.315 TERMINATION OF APPROVAL**

- A. **Generally.** Development approvals shall expire after two years if no progress has been made toward completion of a project unless the applicant files a request for an extension or can show progress toward completion of a project.
- B. **Inconsistent Subsequent Approvals.** If a parcel proposed for development is subject to an approval that has not lapsed, then the approval of an inconsistent application (except approval of a request to modify the application) shall automatically terminate prior inconsistent approvals and prior subordinate approvals if construction has not commenced. For example, if property is rezoned from one classification to another and a site plan is approved under the prior zoning classification, then a subsequent rezoning to the new classification would terminate the earlier district designation (a prior inconsistent approval) and the site plan approved under it (a prior subordinate approval to the inconsistent approval). However, if the prior site plan was built out,



then it would remain as a nonconforming use under the new zoning designation until it was redeveloped according to the new site plan.

- C. **Inconsistent Subsequent Development.** Variances shall terminate automatically if:
1. Development that is approved by variance is modified in a manner that makes the variance unnecessary (*i.e.*, the modified development complies with these Regulations);
  2. Development that is approved by variance is demolished and an application to rebuild according to the previously approved plans is not filed within six months of the date of demolition; or
  3. An application is filed for a new project
- D. **Change in or Abandonment of a Limited Use.** A Limited Use that is abandoned may be changed to a permitted use in the zoning district.

## **Division 13.400 Zoning Variances**

### **SEC. 13.401 VARIANCES FROM DEVELOPMENT STANDARDS**

- A. **Generally.** The Zoning Board of Adjustment shall approve or deny variances from the zoning related development standards (such as height, bulk or area) of these regulations, but not from any subdivision related standards which are considered by the Planning Commission as alternative standards of compliance as provided in Article 6, Subdivision Design and Land Development.
- B. **Approval Standards.** The Board of Adjustment may grant a variance under this Section only if the variance is not prohibited by Section 12.401.C, and if the Zoning Board of Adjustment makes a determination in writing that all of the following are demonstrated:
1. The request for the variance is rooted in special conditions of the applicant's property that do not generally exist on other properties in the same zoning district.
  2. Due to said special conditions, the enforcement of the strict terms of these regulations would impose an unnecessary hardship on the applicant.
  3. The variance is not contrary to the public interest, in that:
    - a. It does not allow applicants to impair the application of these regulations for:
      - i. Self-imposed hardships;
      - ii. Hardships based solely on financial considerations, convenience, or inconvenience; or
      - iii. Conditions that are alleged to be "special" but that are actually common to many properties within the same zoning district.
    - b. The variance will not have a detrimental impact upon:

- i. The current or future use of adjacent properties for purposes for which they are zoned;
  - ii. Public infrastructure or services; and
  - iii. Public health, safety, morals, and general welfare of the community.
- 4. The degree of variance allowed from these regulations is the least that is necessary to grant relief from the identified unnecessary hardship.
- 5. The variance shall not be used to circumvent other procedures and standards of these regulations that could be used for the same or comparable effect (*e.g.*, if alternative development patterns, alternative development standards, or other flexible measures in these regulations are available that would avoid or mitigate hardship without using a variance, then they must be used).
- 6. By granting the variance, the spirit of these regulations is observed and substantial justice is done.
- 7. Should the Zoning Board of Adjustment approve a variance application that does not meet the approval standards established in this Section, the Planning Department shall notify the City Council within three days from the date the variance is approved.
- 8. The Planning Department may consider an application for a variance as an incomplete application should the application fail to establish the application is not contrary to the public interest as defined by subsection B3. a.i-iii and B3. b. i-iii of this Section.

#### **SEC. 13.402 SPECIFIC USES**

- A. **Generally.** The standards of this Section are applicable to all uses classified as specific uses by these regulations. Individual specific uses shall also comply with the applicable standards in Article 2, Permitted Uses and Supplemental Standards. All specific uses shall comply with all of the following standards:
  - 1. The specific use will be consistent with any applicable goals, objectives, and policies of the *City of Galveston 2011 Comprehensive Plan* and any adopted neighborhood or special area plans;
  - 2. The specific use will not materially detract from the character of the immediate area or negatively affect the anticipated development or redevelopment trend; and
  - 3. The specific use is conducted in a manner that is not materially more disruptive to adjacent properties than uses permitted as-of-right in the district, unless the specific use is temporary and its limited duration will help to minimize the impact. Conditions of approval may be attached to the specific use to ensure that this requirement is satisfied.

#### **SEC. 13.403 WAIVERS AND EXCEPTIONS**

Waivers and exceptions are allowed only in cases that are specifically authorized by these regulations. Such waivers and exceptions shall be processed concurrently with the application to which they relate. They shall not be granted in circumstances where the resulting development would be injurious to the public health, safety, or welfare.

Height and density may be established by City Council through an exception for development exceeding the maximum FAR or height of a development within a specific zoning district. The building height determination shall follow the procedure for a zoning amendment as established in law and these regulations. This provision does not apply to the HDDZ.

## **Division 13.500 Subdivision Plat Procedures**

### **SEC. 13.501 PRELIMINARY PLATS**

- A. **Generally.** A preliminary plat is required prior to consideration of an application for final plat or final development plat approval (except minor plats), with any phased development or where restricting areas of improvements under common ownership, and/or where land that abuts a proposed development is under common ownership or control with the land that is the subject of the development proposal.
- B. **Consideration of Affected Abutting Property.**
  - 1. When considering the phasing of development or where improvements are being restricted to a reduced area, adjacent lots, tracts, or parcels under or not under the same common ownership shall be evaluated as to the effects of the proposed plat upon those lands. There shall be no lots, tracts, or parcels that, upon platting, would prohibit the extension of utilities or the extension of approved access that results from the platting of lands.
  - 2. A preliminary plat shall include all contiguous land under the same ownership. If only a portion of the land is intended for immediate development, the remaining lot(s), tract(s), or parcel(s) shall each be given a distinct number and shall be part of the preliminary plat and thereafter referenced.

### **SEC. 13.502 APPROVAL CRITERIA FOR PLATS**

- A. **Generally.** Preliminary plats, final plats, and development plats shall be approved if, following review by City staff, it is determined that the plat meets all applicable regulations. The staff report may include “standard conditions” that serve as a checklist of ordinary regulatory requirements, but which are not corrections or changes necessary to conform to applicable regulations.
  - 1. If a plat is submitted to the Planning Commission with only the “standard conditions” in the staff report and no other conditions are required, then the plat will be considered to meet all applicable regulations, approval will be recommended, and the item may be placed on a consent agenda of the Planning Commission.

2. If a plat does not meet all applicable regulations, the plat will be denied, except that readily verifiable conditions may be attached to preliminary approval, the satisfaction of which becomes a prerequisite for final approval.

### **SEC. 13.503 FINAL PLAT AND FINAL DEVELOPMENT PLAT**

- A. **Generally.** Final plats and final development plats are approved as provided in Section 13.502, Approval Criteria for Plats. When a preliminary plat is required, the Planning Commission must also determine that the final plat is consistent with the approved preliminary plat, including satisfaction of any conditions of preliminary approval.
- B. **Procedure.** Final plats are processed as Planning Commission decisions according to the general procedures set out in Division 13.300, Standardized Development Approval Procedures.
- C. **Decision.** The Planning Commission shall approve or deny a final plat or final development plat.

### **SEC. 13.504 MINOR PLATS**

- A. **Generally.** The Development Services Director is authorized to approve minor plats if the application complies with the standards set forth in subsection 13.504.D, below. The Development Services Director, at his or her sole discretion, may also refer any application for a minor plat to the Planning Commission for review and decision.
- B. **Applicability.** Administrative plat approval shall be allowed based on the following criteria:
  1. There will be no more than four lots in the subdivision;
  2. All lots will front on an existing street;
  3. The subdivision does not require the creation of any new street;
  4. All lots will be served by existing municipal facilities (water, sewer, drainage, etc.); and
  5. The plat must limit the use of lots for single-family or duplex residential units or be limited under appropriate zoning limitations, if applicable.
- C. **Process.** The Development Services Director shall receive the application and either approves it or schedules it for Planning Commission review and decision within 30 days of it being determined complete per Section 13.304, Application Completeness Review. The Development Services Director is not authorized to deny a minor plat.
- D. **Standards for Approval.** The Development Services Director shall approve a minor plat application if it meets all of the following criteria:
  1. The minor plat will be consistent with any applicable goals, objectives and policies of the *City of Galveston 2011 Comprehensive Plan* and any adopted neighborhood or special area plans; and
  2. The minor plat complies with the applicable requirements of these regulations.
- E. **Required Referral.** The Development Services Director shall not deny a minor plat. If the Development Services Director does not approve the plat, they shall place the plat on the

agenda of the Planning Commission so that it may be considered within 30 days of it being determined complete per Section 13.304, Application Completeness Review.

## **SEC. 13.506 SITE PLANS**

Site plan approval is required prior to the issuance of a building permit for the construction, erection, or alteration of a structure or building in any zoning district where these regulations specify such approval.

## **SEC. 13.507 AMENDING PLAT**

- A. **Generally.** In accordance with the authorization to delegate approval responsibility pursuant to Texas Local Government Code Section 212.0063, an amending plat involving minor changes to an already approved plat may be approved by the Development Services Director to supersede the approved plat without requiring its vacation. The reasons for such approvals are established by Texas Local Government Code Section 212.016, and are set forth in subsection C, below.
- B. **Process.** Applications for minor plat amendments shall be submitted on a form approved by the Development Services Director. Such applications shall be processed administratively. Notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.
- C. **Applicability.** The Development Services Director shall approve an amending plat if it implements any of the following purposes and, if standards or limitations are provided, complies with said standards or limitations:
  - 1. To correct an error in a course or distance shown on the preceding plat;
  - 2. To add a course or distance that was omitted on the preceding plat;
  - 3. To correct an error in a real property description shown on the preceding plat;
  - 4. To indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor responsible for setting monuments;
  - 5. To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
  - 6. To correct any other type of scrivener or clerical error or omission on a plat previously approved by the Planning Commission including lot numbers, acreage, street names, and identification of adjacent recorded plats;
  - 7. To correct an error in courses and distances of lot lines between two adjacent lots if:
    - a. Both lot owners join in the application for amending the plat;
    - b. Neither lot is abolished;
    - c. The amendment does not attempt to remove recorded covenants or restrictions; and
    - d. The amendment does not have a material adverse effect on the property rights of the other owners in the plat.

8. To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement.
  9. To relocate one or more lot lines between one or more adjacent lots if:
    - a. The owners of all those lots join in the application for amending the plat;
    - b. The amendment does not attempt to remove recorded covenants or restrictions; and
    - c. The amendment does not increase the number of lots.
  10. To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if the changes:
    - a. Do not affect applicable zoning and other regulations of the City;
    - b. Do not attempt to amend or remove any covenants, conditions or restrictions; and
    - c. Affect an area that approved by the Planning Commission as a residential improvement area.
  11. To replat one or more lots fronting on an existing street if:
    - a. The owners of all those lots join in the application for amending the plat;
    - b. The amendment does not attempt to remove recorded covenants or restrictions;
    - c. The amendment does not increase the number of lots; and
    - d. The amendment does not create or require the creation of a new street or make necessary the extension of City facilities.
- D. **Referral.** The Development Services Director shall not deny an application for a minor amending plat. If the Development Services Director does not approve the proposed amending plat it shall be referred to the Planning Commission.

### **SEC. 13.508 VACATING PLAT**

- A. **Generally.** The owners of the tract covered by a plat may vacate the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.
- B. **Restrictions.** If lots in the plat have been sold, the plat, or any part of the plat may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat.
- C. **Annotation.** Pursuant to Texas Local Government Code Section 212.013, the County Clerk shall write legibly on the vacated plat the word "Vacated" and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded.
- D. **Effect of Vacation.** On the execution and recording of the vacating instrument, the vacated plat has no effect.

### **SEC. 13.509 REPLATS**

Replats may be allowed without prior vacation of the existing plat according to the applicable standards of Texas Local Government Code Section 212.0143.

## Division 13.600 Map Amendments

### SEC. 13.601 PROCEDURES FOR MAP AMENDMENTS

A. **Generally.** The boundaries of any zoning district in the City may be changed or the zone classification of any parcel of land may be changed as provided in this Section.

B. **Initiation of Rezoning.**

1. A zoning map or classification amendment may be initiated by the owner of the property to be amended or their authorized agent, the City Council, the Planning Commission, or by the Development Services Director. The Landmark Commission may initiate a zoning map amendment to designate a GL, HZD, or NCD. Rezoning applications by property owners and their agents shall be submitted on a form approved by the Development Services Director.
2. The Development Services Director may require the submission of such other information as may be necessary to permit the informed exercise of judgment under the criteria for the review of a rezoning application. Such information shall be related to the scale, location, and impacts of the rezoning application and may include, by way of illustration and not limitation, analysis of the capacity of the land to support development (*e.g.*, soil characteristics and hydrology) or the additional impacts (or reduction in impacts) that may be created by changing the district designation, in terms of:
  - a. Traffic (trip generation);
  - b. Drainage;
  - c. Visual, aesthetic and land use adjacency impacts;
  - d. Water and wastewater use and availability; and
  - e. Other information determined by the City as necessary to make an informed analysis and decision.

For a zoning map amendment application to be considered complete for the R-0 Single Family Residential District, the application must include:

- a. 75 percent of the dwellings in the proposed zoning area must be single-family owner occupied structures;
  - b. 75 percent of the property owners shall initiate a petition to rezone to R-0;
  - c. Commercial uses and short term rentals prohibited;
  - d. The petition shall identify the streets, street blocks, and boundary subject to the rezoning;
  - e. The neighborhood must be similar in design and character; and
  - f. Dangerous and dilapidated structures as defined in the Municipal Code must not be present within the proposed boundary of the R-0 district.
- C. **Criteria for Approval.** The Planning Commission may recommend approval and City Council may grant the approval of a rezoning request if it is demonstrated that:

1. The proposed zoning is preferable to the existing zoning in terms of its likelihood of advancing the goals, objectives, and policies of the *City of Galveston 2011 Comprehensive Plan* and other adopted neighborhood plans, special area plans, redevelopment plans, or other plans applicable to the area;
  2. The proposed zoning is consistent with the future land use map of the *City of Galveston 2011 Comprehensive Plan* (a future land use map amendment may be processed concurrently with the rezoning);
  3. The proposed change is consistent with the implementation of existing or pending plans for providing streets, water and wastewater, other utilities, and the delivery of public services to the area in which the parcel proposed for rezoning is located;
  4. The range of uses and the character of development that is allowed by the proposed zone will be compatible with the properties in the immediate vicinity of the parcel proposed for rezoning, and the parcel proposed for rezoning has sufficient dimensions to accommodate reasonable development that complies with the requirements of these Regulations including parking and buffering requirements; and
  5. The pace of development and/or the amount of vacant land currently zoned for comparable development in the vicinity suggests a need for the proposed rezoning in order to ensure an appropriate inventory of land to maintain a competitive land market that promotes economic development.
- D. **Procedures.** Applications for a zoning map or classification amendment are processed according to the sequential steps set out in Section 13.302, Pre-Application Conference, through Section 13.309, Public Meetings and Public Hearings, and shall be decided by the City Council after recommendation of the Planning Commission (which is preceded by recommendation of the Landmark Commission to the Planning Commission for applications within historic districts) pursuant to the public hearing provisions of Section 13.309, Public Meetings and Public Hearings. All involved bodies shall hold public hearings. The procedure shall incorporate the following additional requirements, which supersede any conflicting provisions in Division 13.300, Standardized Development Approval Procedures:
1. At any time during or after application completeness review, if the Development Services Director requires additional information pursuant to subsection 13.601.B.2 above, the Development Services Director may retain the application and notify the applicant regarding the specific information requested.
  2. The applicant shall provide the additional information within 30 days of the date of the request from the Development Services Director. If the materials are not submitted within said time period, the application shall lapse.
  3. The Planning Commission shall make a preliminary report and hold a public hearing on the proposed rezoning before making a final report to the City Council. The Planning Commission may defer its report for no longer than its next meeting to have an opportunity to consider revisions to the submittal that are requested from or volunteered by an applicant, which may have a direct bearing on the proposed rezoning.
  4. The Development Services Director shall forward the final report from the Planning Commission to the City Council with a recommendation.
- E. **Decision.**



1. After receiving the final report of the Planning Commission, the City Council shall hold a public hearing on the proposed rezoning and, at the close of the hearing shall, based upon the recommendations of the Development Services Director and/or Planning Commission:
  - a. Approve the rezoning by ordinance;
  - b. Approve the rezoning by ordinance with modifications;
  - c. Deny the rezoning; or
  - d. Refer the proposed rezoning back to the Planning Commission, to the Development Services Director, to a committee of the City Council, or to an ad hoc committee for further consideration and recommendation.
2. The City Council shall support its decision with written findings of fact regarding the approval criteria in Section 13.601, Procedures for Map Amendments.

## **SEC. 13.602 CONSIDERATIONS FOR MAP AMENDMENTS**

- A. **Purposes.** Map amendment proposals shall serve the following purposes:
  1. Securing adequate light, air, convenience of access and safety from fire, flood, and other danger;
  2. Lessening or avoiding congestion in public ways;
  3. Promoting the public health, safety, comfort, morals, convenience, and general welfare; and
  4. Otherwise accomplishing the purposes of Texas Local Government Code Chapter 211, Municipal Zoning Authority.
- B. **Considerations.** In preparing and considering proposals for map amendments, the Planning Commission and the City Council shall pay reasonable regard to:
  1. The *City of Galveston 2011 Comprehensive Plan* and any adopted neighborhood or special area plans;
  2. Current conditions and the character of current structures and uses in each district;
  3. The most desirable use for which the land in each district is adapted;
  4. The conservation of property values throughout the jurisdiction; and
  5. Responsible development and growth.

## **Division 13.700 Text Amendments**

### **SEC. 13.701 PROCEDURES FOR TEXT AMENDMENTS**

- A. **Generally.** The City Council may amend the text of these regulations in accordance with the procedures set forth in this Section and Division 13.300, Standardized Development Review Procedures to implement the *City of Galveston 2011 Comprehensive Plan* as it may be amended from time to time, conform to state or federal legal requirements, address changing or changed conditions or otherwise advance the public health, safety, and welfare of the City.

- B. **Initiation of Amendment.** The City Council, the Planning Commission, the Zoning Board of Adjustment, and the Landmark Commission may initiate an amendment by motion. The Development Services Director may also initiate an amendment. Others who wish to propose potential text amendments shall do so in writing to the Development Services Director.
- C. **Criteria for Text Amendments.** Recommendations and decisions regarding petitions for amendments to the text of these regulations are legislative in nature, but shall be based on consideration of all the following criteria:
1. The proposed amendment will help to implement the adopted *City of Galveston 2011 Comprehensive Plan* or if it involves a topic that is not addressed or not fully developed in the *City of Galveston 2011 Comprehensive Plan*, the proposed amendment will not impair the implementation of the adopted *City of Galveston 2011 Comprehensive Plan* and other adopted special-area and special-topic plans when compared to the existing regulations.
  2. The proposed amendment is consistent with the stated purposes of these regulations.
  3. The proposed amendment will maintain or advance the public health, safety, or general welfare.
  4. The proposed amendment will help to mitigate adverse impacts of the use and development of land on the natural or built environment, including, but not limited to mobility, air quality, water quality, noise levels, storm water management, wildlife protection, and vegetation or will be neutral with respect to these issues.
  5. The proposed amendment will advance the strategic objectives of the City Council such as fiscal responsibility, efficient use of infrastructure, public services, and other articulated City objectives.
- D. **Procedure.** Text amendments are processed according to the sequential steps set out in Section 13.302, Pre-Application Conference (for privately initiated text amendments) through Section 13.309, Public Meetings and Public Hearings and shall be decided by the City Council after recommendation of the Planning Commission (which is preceded by recommendation of the Landmark Commission to the Planning Commission for proposed text amendments with implications for historic districts and/or landmarks) pursuant to the public meetings provisions of Section 13.309, Public Meetings and Public Hearings. Both bodies shall hold public hearings. The procedure shall incorporate the following additional requirements:
1. **Staff Review.** The Development Services Director shall review each proposed amendment in light of the approval criteria of subsection 13.701.C, above, and refer the application to City departments or other entities as deemed necessary. Based on the results of those reviews, the Development Services Director shall provide a report and recommendation to the Planning Commission.
  2. **Planning Commission Recommendation.**
    - a. The Planning Commission shall make a preliminary report to the City Council and hold at least two public hearings on the proposed text amendment. Following the hearings, the Planning Commission shall make a final report to the City Council.
    - b. Upon receiving the final report of the Planning Commission, the Development Services Director shall draft an ordinance, submit it to the City Attorney for approval as to form, and shall forward the ordinance to the City Council for consideration.

3. **City Council Action.** After receiving the final report of the Planning Commission, the City Council shall vote to approve, approve with amendments, or reject the proposed amendment, based on the approval criteria in subsection C, above. The City Council also may refer the proposed amendment back to the Planning Commission for further consideration, continue a public hearing, or postpone action on an application for a period not to exceed 90 days (or shorter period if the application is being processed concurrently with a plat and the plat application is still pending at the time the amendment is postponed).
- E. **No Retroactive Cure of Violations.** The amendment of the text of these Regulations may transform a legally nonconforming situation into a conforming one. However, no petition for a text amendment shall be used to cure a violation of any part of these regulations.

## **SEC. 13.702 CONSIDERATIONS FOR TEXT AMENDMENTS**

- A. **Purposes.** Text amendment proposals shall serve the following purposes:
  1. Advancing the goals, objectives, and policies of the *City of Galveston 2011 Comprehensive Plan* and other adopted special-area and special-topic plans;
  2. Securing adequate light, air, convenience of access, and safety from fire, flood, and other danger;
  3. Lessening or avoiding congestion in public ways;
  4. Promoting the public health, safety, comfort, morals, convenience and general welfare; and
  5. Otherwise accomplishing the purposes of Texas Local Government Code Chapter 211, Municipal Zoning Authority.
- B. **Considerations.** In preparing and considering proposals for text amendments, the Planning Commission and the City Council shall pay reasonable regard to:
  1. The *City of Galveston 2011 Comprehensive Plan* and related plans;
  2. Current conditions and the character of current uses and structures in each district;
  3. The most desirable use for which the land in each district is adapted;
  4. The conservation of property values throughout the jurisdiction; and
  5. Responsible development and growth.

## **Division 13.800 Protests**

### **SEC. 13.801 ZONING AMENDMENTS PROTESTS**

- A. **Generally.** Protests are a way for nearby landowners to object officially to a rezoning of a parcel proposed for development or to a proposed amendment to the text of these Regulations.
- B. **Effect of Protest.** If a protest is filed according to the requirements of this Section, a rezoning shall not be granted for a parcel that is the subject of a protest nor shall a protested text amendment be approved without a favorable vote of three-fourths of all the members of City Council.

- C. **Requirements for Protests.** Protests are initiated by way of a petition, which shall include:
1. The signatures of the owners of:
    - a. 20 percent of the land within such area that would be directly affected by the proposed rezoning or amendment; or
    - b. 20 percent or more of the area of the lots immediately abutting either side of the territory included in such proposed change, or separated therefrom only by an alley or street.
  2. A list, map, or index of the lot and block number, subdivision name, or description of each signer's property along with the street address.
- D. **Timing of Protest.** Protest petitions shall be filed with the Development Services Director not less than one week before the City Council's public hearing on the requested amendment to the text of these Regulations or the proposed rezoning.

## **Division 13.900 Administrative Appeals**

### **SEC. 13.901 ADMINISTRATIVE APPEALS**

- A. **Generally.** Administrative appeals are processed according to the provisions of this Section.
- B. **Appellate Bodies Designated.**
1. Appeals from final decisions of City staff are heard by the Zoning Board of Adjustment, except that appeals from decisions of City staff related to subdivision regulation are heard by the Planning Commission.
  2. Appeals from final decisions of the Landmark Commission are heard by the Zoning Board of Adjustment.
  3. Appeals from final decisions of the City Council, the Planning Commission with respect to subdivision matters, and the Zoning Board of Adjustment with respect to appeals from City staff decisions or from Landmark Commission decisions are heard by a court of competent jurisdiction.
- C. **Initiation and Timing of Appeal.**
1. The applicant may appeal that decision to the body specified in subsection B, above, by filing a notice of appeal with the Development Services Director or with the Historic Preservation Officer for appeals of Landmark Commission decisions. The notice of appeal must be filed not more than 10 business days from the date of the final decision. The right of appeal terminates if the notice of appeal is not filed in this time period.
  2. The notice of appeal shall specify the decision appealed from and the basis for the appeal, which shall include the specific sections of these Regulations that are alleged to have been overlooked or applied in error, and in what specific way this has affected or will affect the aggrieved party who initiated the appeal. Such statement of the basis of the appeal shall provide sufficient detail to put the City on notice with respect to the matters to be raised.
- D. **Process.** Appeals shall be processed by the body specified in subsection B., above, according to the general procedures set out in Division 13.300, Standardized Development Approval Procedures, except that:

1. Staff shall provide a report describing the nature of the decision and the notice of appeal; and
  2. No recommendations are required from boards or commissions other than the decision-maker.
- E. **Hearings and Sworn Testimony.** A public hearing shall be held on the appeal. Testimony at the public hearing shall be sworn.
- F. **Decision.** In exercising the power to decide an appeal, the decision-maker may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and make such order, requirement, decision, or determination as ought to be made and to that end shall have all the powers of the officer or body from whom the appeal is taken. With respect to decisions of the Zoning Board of Adjustment, the concurring vote of 73 percent of the members of the board is necessary to reverse an order, requirement, decision, or determination of a City staff member.
- G. The Zoning Board of Adjustment on appeal shall decide an appeal of a determination of whether preexisting regulations apply to an application, approval, or permit, a determination that an application, approval, or permit has expired or an application, approval, or permit is dormant based upon the following factors:
1. Whether the City received fair notice of the project and the nature of the permit sought;
  2. Whether the nature and scope of the project prevents the City from applying one or more current regulations to the proposed or pending applications;
  3. Whether any prior approved applications for the property have expired or have been terminated in accordance with law;
  4. Whether any statutory exception to a right asserted pursuant to Texas Local Government Code Chapter 243 is applicable to one or more current regulations;
  5. Whether any exemption from one or more regulations under these Land Development Regulations or other ordinances is applicable to the project; and
  6. Whether the project is dormant.
- H. **Binding determination.** If an appeal is taken to the Board of Adjustment, their decision shall be so filed with the City as related to the project and the determination shall be considered binding upon the City and the applicant for the life of the project. The Zoning Board of Adjustment's decision on appeal shall be filed in the office of the Director of Development Services.
- I. **Judicial Review.** Should the applicant or City be aggrieved by or dissatisfied with the decision of the Zoning Board of Adjustment, the applicant or City may pursue all legal remedies to appeal the decision to a court of competent jurisdiction pursuant to Texas Local Government Code, Chapter 211.

## **Division 13.1000 Interpretations**

### **SEC. 13.1001 ADMINISTRATIVE INTERPRETATIONS**

- A. **Generally.** Any person may request an administrative interpretation of the terms, provisions, or requirements of these regulations if the application of the terms, provisions, or requirements is not obvious.
- B. **Applicability.** This Section applies to any request to interpret a provision of these Regulations.
- C. **Application Fee.**
  - 1. It is the intent of the City Council that these regulations be accessible and clear to the residents, business owners and landowners in the City, and that the spirit of Texas Local Government Code Chapter 552, Public Information, be observed. As such, City staff will provide:
    - a. General information to residents, business owners, and landowners with respect to the zoning districts that apply to property;
    - b. References to the standards that may be applied to individual uses or buildings; and
    - c. Requested public records that are related to the administration and enforcement of these regulations.
  - 2. It is not the intent of the City Council that the Development Services Director affirmatively evaluates the full development potential of individual properties or resolves other such detailed inquiries about specific properties or issues without a pending application.
  - 3. Within these guidelines, the Development Services Director is authorized to waive the application fee for specific inquiries that do not involve material time commitments or copying costs and to charge an hourly research fee for broad inquiries that are likely to involve material time commitments. Such fee shall be according to a fee schedule promulgated by City Council resolution.
- D. **Process.** The interpretation is made by the Development Services Director or other City staff member charged with administering the provision for which an interpretation is requested. The responsible City staff member and the City are not obligated to render an interpretation. The interpretation is not subject to appeal, although related appeals may proceed as provided in these Regulations (*e.g.*, appeals of decisions on applications that may be impacted by the interpretation). After an interpretation is issued, the Development Services Director may propose a text amendment to these Regulations to codify the interpretation.
- E. **Application Requirements.**
  - 1. Applications for interpretations shall be submitted on a form approved by the Development Services Director.
  - 2. The applicant shall cite the specific provision for which interpretation is sought, a description of a hypothetical situation or scenario to which the application of these regulations is in question, and a statement of the nature of the interpretation sought.
- F. **Decision.** Within 10 business days after the application for an interpretation is filed, the Development Services Director shall make a good faith effort to interpret the provision that is the subject of the application. The response to the interpretation request may require more time if additional information is needed or input from others is pending. The response to the applicant shall be in writing, and the Development Services Director shall keep a copy of the response in a record of interpretations.
- G. **Standards for Interpretations.** The interpretation shall be based on:

1. The materials or scenario posed by the applicant;
  2. The plain and ordinary meaning of the terms that are subject to the application for an interpretation as set out in *Webster's Third New International Dictionary* or other current and authoritative dictionaries;
  3. The purpose statement for the Section of these regulations that is the subject of interpretation;
  4. Any other provision of the *City of Galveston 2011 Comprehensive Plan*, the City of Galveston Code of Ordinances, state law or federal law that are related to the same subject matter;
  5. Any technical meanings of the words used in the provision subject to interpretation;
  6. Other interpretations rendered by the City relating to the same or related provisions of these regulations;
  7. The consequences of the interpretation;
  8. The legislative history;
  9. The problem or issue that is addressed by the provision subject to interpretation; and
  10. Sources outside of the regulatory provision that provide a related source for the definition, such as technical or professional literature.
- H. **No Legal Advice.** The City does not provide legal advice to applicants or property owners. Private parties, including purchasers, lenders, title insurers, and others are advised to seek legal opinions from their attorneys with respect to specific potential applications of these Regulations. No interpretation provided by City staff pursuant to this Section shall be construed as legal advice.
- I. **No Binding Effect.** It is the policy of the City to evaluate applications for development approval comprehensively on their individual merits. Therefore, interpretations may be persuasive to the applicable development review bodies, but they are not binding on the City.
- J. **Recordkeeping.** The Development Services Director shall keep records of interpretations made pursuant to this Section.

## **Division 13.1100 Fees**

### **SEC. 13.1101 AUTHORITY TO ESTABLISH FEES**

- A. **Generally.** Fees for the administration of these regulations shall be established as provided in this Section.
- B. **Authority.** The City Council shall, from time to time, establish fees by resolution for the processing and review of the various applications that are required by these Regulations. The fees shall be reasonable but shall not exceed the actual costs to review the applications while also providing for monitoring of compliance for permits that require periodic renewal and developments approved subject to conditions. The City Council may provide for a flat fee plus require the reimbursement of extraordinary costs to the City that are necessitated by an application, such as fees for expert technical review or advice from consultants or fees for legal review.

- C. **Relationship to Application.** No application shall be eligible to be determined complete until all application fees are paid in full including escrow fees.



# ARTICLE 14. DEFINITIONS

## Division 14.100 Word Usage

### SEC. 14.101 WORD USAGE

- A. **Generally.** The rules of this Division shall be observed and applied when interpreting these Regulations, except when the context clearly requires otherwise.
- B. **Word Usage.** Words shall be interpreted as follows:
1. Words used or defined in one tense or form shall include other tenses or forms.
  2. Words in the singular number shall include the plural number. Words in the plural number shall include the singular number.
  3. The masculine gender shall include the feminine. The feminine gender shall include the masculine.
  4. The words "shall" and "will" are mandatory.
  5. The words "may" and "should" are permissive.
  6. The word "person" includes individuals, partnerships, firms, corporations, associations, trusts and any other similar entities or combination of individuals.
  7. The word "building" includes structures.
  8. The word "lot" includes plots and tracts.

### SEC. 14.102 ABBREVIATIONS AND ACRONYMS

- A. **Abbreviations.** The following abbreviations are used in these regulations:

1. ac: acre
2. DBH: diameter at breast height
3. du or du's: dwelling unit(s)
4. ft: feet
5. max: maximum
6. min: minimum
7. n.a.: not applicable
8. sf: square feet

- B. **Acronyms.** The following abbreviations are used in these regulations:

1. FAR: Floor Area Ratio
2. FEMA: Federal Emergency Management Agency
3. FIRM: Flood Insurance Rate Map
4. GLO: Texas General Land Office
5. HPO: Historic Preservation Officer
6. LDR: Land Development Regulations

### SEC. 14.103 USE DEFINITIONS

This Section provides definitions of terms and phrases that are not defined in other Articles of these regulations:

**Accessory Building** means a structure that is subordinate to a principal building, and which serves a purpose that is customarily incidental to but clearly associated with the principal use. Examples of residential accessory buildings and structures include storage sheds, gazebos, home

workshops, children's playhouses, greenhouses or other garden shelters, and detached residential garages and carports.

**Accessory Dwelling Unit** means a subordinate and complete dwelling unit that is accessory to the principal residential or nonresidential use on the same lot or parcel, whether integrated within, attached to, or detached from the principal structure. Occupants of an accessory unit associated with a principal residential use may include persons employed to work on the premises as a domestic worker or caretaker (e.g., nurse, nanny or "house-sitter"). The phrase does not include a "live-work unit" or a "single-family attached" dwelling such as a duplex or townhome.

**Accessory Use** means a use located on the same lot or parcel that is customarily associated with but incidental and subordinate to a particular principal use.

**Adult Day Care** means a facility that provides care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day.

**Adult Use** means:

1. Any use of property available to the public, whether for profit or not, that:
  - a. Involves nude or topless dancing;
  - b. Predominantly advertises and offers material and/or items that depict and/or are generally used in sexual activity; or
  - c. Allows other similar activities that depict, describe, simulate or relate to sexual activities.
2. Not limiting the preceding, the phrase shall also include any:
  - a. Bookstore/shop in which the primary type of material offered is of a sexual nature;
  - b. Motion picture arcade/motion picture theater in which the predominant type of material shown depicts sexual acts;
  - c. Cabaret/lounge/night club in which the predominant attraction is nude or topless dancing; or
  - d. Health spa/sauna in which services of a sexual nature are offered to the public.
3. Not limiting the preceding, and with respect to specific business types, the phrase shall also include, but is not limited to, any:
  - a. Adult arcade;
  - b. Adult bookstore or supply store;
  - c. Adult cabaret, lounge or night club;
  - d. Adult health spa or sauna;
  - e. Adult hotel or motel;
  - f. Adult model studio;
  - g. Adult motion picture theater;
  - h. Escort agency;
  - i. Lingerie modeling studio;
  - j. Massage parlor;
  - k. Sexual encounter center; or
  - l. Any other business that offers its patrons services or entertainment that provide nude dancing or other live recording performances that depict, describe or relate to "specified anatomical areas" or "specified sexual activities."

**Agricultural Support** means commercial, service and other uses that support agricultural uses, including:

1. Farm/ranch supply services;
2. Farm/ranch equipment dealers;

3. Grain storage; and
4. Large animal or livestock veterinarians, which involves an animal hospital or clinic that provides services for horses and other livestock.

**Agriculture/Urban Farming** means land, with and without farm residences, used for field crops, orchards, viniculture, aquaculture and truck farming. The term includes the raising or breeding of livestock, horses, poultry and/or bees. The term includes the necessary accessory uses for storing the products and inputs needed to produce them. The term does not include a “community garden.”

**Airport** means all facilities for the take-off and landing of aircraft, including flight training schools. The term does not include:

1. Airstrips for personal aircraft for the private use of an individual; and
2. “Heliports” that are accessory to another use, such as a hospital.

**Alcoholic Beverage Sales, Package** means an establishment engaged in the sale of alcoholic beverages for off-premises consumption.

**Arena or Stadium** means an enclosed building or open structure with tiers of seats rising around a field, court or track, intended to be used primarily for the viewing of athletic events, but may also be used for entertainment and other public gathering purposes, such as conventions, circuses, concerts, or horse or dog racing. The terms do not include a motor raceway, amphitheater, live theater or concert hall.

**Assisted Living Facility** means an establishment that:

1. Furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment;
2. Provides:
  - a. Personal care services; or
  - b. Administration of medication by a person licensed or otherwise authorized in this State to administer the medication; and
3. May provide assistance with or supervision of the administration of medication.

**Auto Service/Fueling or Charging Station** means a service establishment primarily engaged in the repair of automobiles, not including body repair or painting or an establishment engaged in the retail sale of vehicle fuel, lubricants, parts and accessories. These uses include service stations with convenience stores, self-service auto washes, and facilities having service bays for vehicle service and repair. The service and repair may include incidental maintenance and repair of automobiles and light trucks, but shall not include maintenance and repair of large trucks, or body and fender work or automobile painting on any vehicles.

**Automotive Wrecking and Salvage Yard; Junkyard; Recycling Business** means:

1. *Automotive Wrecking and Salvage Yard* means an outdoor place where a person stores three or more vehicles for the purpose of dismantling or wrecking the vehicles to remove parts for sale or for use in automotive repair or rebuilding.
2. *Junkyard* means a place where a business that owns junk, and is operated to store, buy or sell junk, keeps all or part of the junk outdoors until the business disposes of the junk.
3. *Recycling Business* means a business that is primarily engaged in the business of:
  - a. Converting metal or other material into raw material products that have:
    - i. Prepared grades; and

- ii. An existing or potential economic value;
- b. Using raw material products described by 3.a., above, in the production of new products; or
- c. Obtaining or storing metal or other material for a purpose described by 3.a. or 3.b., above.

**Bar** means an establishment in which the principal business is the sale of alcoholic beverages for on-premises consumption. The term does not include a restaurant. For the purpose of this section a nightclub is considered a bar/tavern and means a commercial establishment which combines the consumption of alcoholic beverages (sold at the facility or brought in by patrons) on the premises with dancing and/or musical or other entertainment. Within the CB district a bar, retail establishment, night-club, or restaurant use may sell alcoholic beverages for off-premise consumption.

**Bed and Breakfast** means an owner-occupied private home that offers lodging for paying guests, that may serve breakfast to these guests, and that allows for limited social functions as addressed in these regulations.

**Boarding House, Dormitory, Fraternity or Sorority** means any dwelling, other than a hotel or bed and breakfast establishment, where, for compensation:

- 1. Lodging and meals are provided; or
- 2. Sleeping accommodations and common kitchen facilities are provided for individuals while they are enrolled at an educational institution.

**Campground/RV Park** means a form of commercial lodging where guests bring tents, travel trailers, recreational vehicles (RVs), campers or other similar forms of shelter. The campground rents pads to the guests. The term "campground" also includes the phrase "RV Park."

**Cemetery** means a place that is used or intended to be used for interment of human remains or cremated remains, and includes, but is not limited to, any of the following:

- 1. *Columbarium* means a durable, fireproof structure, or a room or other space in a durable, fireproof structure, containing niches and used or intended to be used to contain cremated remains.
- 2. *Graveyard or Burial Park* means a tract of land that is used or intended to be used for interment in graves.
- 3. *Mausoleum* means a durable, fireproof structure used or intended to be used for entombment.

**Child Care Facility, Day Care (Commercial)** means a child-care facility that provides care at a location other than the residence of the director, owner, or operator of the child-care facility for seven or more children under 14 years of age for less than 24 hours a day, but at least two hours a day, three or more days a week.

**Child Care Facility, Day Care (Residential)** means a facility licensed or certified by the Texas Department of Family and Protective Services that operates for all of the 24-hour day.

**Cleaning/Laundry Pick-Up** means an establishment providing laundering, dry cleaning and/or custom cleaning of garments and other household materials (e.g., curtains, bedspreads) but only for customer drop-off and pick-up of items as the cleaning services are performed off premises.

**Cleaning/Laundry-Mat Facility** means an establishment providing laundering, dry cleaning and/or custom cleaning of garments and other household materials (e.g., curtains, bedspreads) where the cleaning services are performed on premises, with a pick-up station component for customer drop-off and pick-up of items. Cleaning/Laundry-Mat Facility also means an establishment where

facilities are available for customers to complete their own laundering with limited assistance. Also commonly known as a Laundromat or Washateria. In some cases the cleaners and laundry-mat activity may be combined.

**Clinic/Medical Lab /Medical Office** means office space used by health care professionals for the examination and/or treatment of patients on an outpatient basis, with no overnight stays by patients. A medical office may include a medical lab and/or clinic which is a facility offering diagnostic or pathological testing and analysis of blood, blood fluids, pathological specimens, DNA sampling and analysis, and any other diagnostic test generally recognized in the healthcare industry. The term includes immediate care facilities, where urgent care treatment is the dominant form of care provided at the facility, but does not include a hospital or state-designated trauma center.

**College / University / Vo-Tech** means a community college, college, university, vocational / technical school, trade school, language school, business school, training center, beauty school, culinary school and comparable advanced or continuing education facilities. The term does not include music schools, fitness centers, sports instruction, swimming instruction or martial arts instruction.

**Commercial Amusement/Recreation, Indoor** means uses that provide commercial amusement indoors (except adult uses), including, but not limited to:

1. Bowling alleys and pool rooms;
2. Indoor skating rinks (ice or roller);
3. Indoor velodromes;
4. Internet cafes;
5. Local area network computer gaming centers;
6. Movie theaters and live performance theaters;
7. Museums and aquariums;
8. Shooting ranges (indoor), which means a building open to the general public wherein the shooting of firearms is allowed for the practice of marksmanship; and
9. Video arcades.

The phrase does not include indoor shooting ranges that are maintained or operated by a police department or United States military branch and that are not available to the general public. The phrase also does not include a casino, casino hotel, event wagering establishment or similar use.

**Commercial Amusement, Outdoor** means uses that provide commercial amusement outdoors (except adult uses), including, but not limited to:

1. Amphitheaters or other outdoor concert facilities;
2. Amusement parks or theme parks;
3. Batting cages;
4. Bungee jumping;
5. Drive-in theaters;
6. Fairgrounds or exhibition area;
7. Go cart track;
8. Golf driving ranges;
9. Miniature golf establishments;
10. Para sailing;
11. Shooting ranges (outdoor), which means the use of land for archery and/or the discharging of firearms for the purposes of target practice, skeet and trap shooting, and mock war games; and
12. Water slides.

**Commercial Lodging** means a place that offers overnight accommodations for short-term rental, including hotels and motels. The phrase also includes hotels that offer convention facilities or meeting rooms. This use does not include the short term rental of residential dwelling units.

**Commercial Retail** means commercial and retail uses that do not include regular outside storage or sales. The phrase includes:

1. Furniture and home furnishings stores;
2. Electronics and appliance stores;
3. Paint and wallpaper stores;
4. Hardware stores;
5. Food and beverage stores;
6. Health and personal care stores;
7. Clothing and clothing accessory stores;
8. Shoe repair;
9. Personal custom services such as tailor or milliner (hats);
10. Sporting goods, hobby, book and music stores;
11. General merchandise stores;
12. Miscellaneous store retailers; and
13. Gun shops, which includes any premise or portion thereof used principally for the sale of firearms, ammunition and/or ammunition components, or hunting and shooting equipment. The term does not include a department or specialty sales area that occupies less than half the floor area of a sporting goods or general merchandise store. The subject establishment shall not be located within 1,000 feet of a school, place of worship, or park, and shall be subject to local, State and Federal laws. If located within a residential dwelling as a home-based business, the use shall not involve retail or wholesales sales activity, except for sales distributors who fill orders for catalog type products and then make deliveries to the customer location, as opposed to customers coming to the place of business.

**Commercial Stable** means the stabling, training and feeding of horses, or the provision of riding facilities for the use of anyone other than the resident of the property. Equestrian trails that are constructed as part of the common open space of a subdivision and intended for the exclusive use of residents of the subdivision are not commercial stables.

**Commercial Warehousing and Logistics** means indoor warehousing, distribution or logistics facilities; retail distribution centers; order fulfillment centers; and moving and storage services (including full-service moving and storage and indoor storage of shipping containers). The term does not include “self storage”; “wholesale”; or warehousing and distribution that are accessory to a light industrial or heavy industrial facility, nor parcel service drop-off locations that are not accessory to a parcel service processing facility.

**Community Care Facility** means a facility that provides 24-hour residential care or less than 24-hour day care for individuals rehabilitating from drug or alcohol abuse or addiction, for mentally impaired or emotionally disturbed individuals, or for battered or abused children or adults. The term does not include a “correctional or rehabilitation facility” or halfway houses for prison parolees or juveniles.

**Community Garden** means a private or public area of land that is used for the noncommercial cultivation of fruits, herbs, flowers, vegetables or ornamental plants by more than one person or family.

**Correctional or Rehabilitation Facility** means a probation or parole office or a residential facility that:

1. Is operated by an agency of the state, a political subdivision of the state, or a private vendor operating under a contract with an agency of the State or a political subdivision of the State; and
2. Houses persons convicted of misdemeanors or felonies or children found to have engaged in delinquent conduct, regardless of whether the persons are housed in the residential facility:
  - a. While serving a sentence of confinement following conviction of an offense;
  - b. As a condition of probation, parole or mandatory supervision; or
  - c. Under a court order for out-of-home placement under Title 3, Texas Family Code, other than in a foster home operated under a contract with the Texas Youth Commission.

**Cottage Food Production** means the production and sale of cottage food products as defined and governed by state statute and exempted from municipal zoning regulations.

**Credit Access Business** means a credit services organization that obtains for a consumer or assists a consumer in obtaining an extension of consumer credit in the form of a deferred presentment transaction or a motor vehicle title loan.

**Director of Development Services** means the Director of the City's Development Services Department, or their designee.

**Flea Market** means a building or open area in which individual stalls or sales areas are rented or otherwise provided, which are intended for use by various unrelated individuals or businesses to sell articles that are either homemade, homegrown, handcrafted, old or obsolete, or antique, and may include the selling of new or used goods at retail by businesses or individuals who are generally engaged in retail trade. There are two types of flea markets:

1. Outdoor Flea Markets. Outdoor flea markets are flea markets that provide outdoor space to vendors. Outdoor flea markets operate daily or periodically, but are permanent land uses.
2. Indoor Flea Markets. Indoor flea markets are flea markets that provide indoor spaces to vendors. The spaces are typically designed so that they may be individually secured and quickly reconfigured (such as through the use of chain link fencing for walls). Indoor flea markets typically operate daily.

The term does not include "garage sale" (which is a temporary use), nor does it include retail stores that lease space to vendors but offer a common checkout area for all items that are sold at the store (which are "commercial retail" uses), nor does it include shopping malls (which offer bays that are separated from each other with solid walls), nor farmers markets.

**Gross Floor Area** means the area of all floors in a building, extended to exterior walls, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features, and not including the area of voids between floors.

**Gun Shop** means any premise or portion thereof used principally for the sale of firearms, ammunition and/or ammunition components, or hunting-related shooting equipment. The term does not include a department or specialty sales area that occupies less than half the floor area of a sporting goods or general merchandise store.

**Heavy Industry** means:

1. Primary processing or manufacturing or repair operations not specifically defined elsewhere in this Section, which involve:
  - a. An outside storage area that is larger than the area of the first floor of buildings on the same lot;

- b. A material risk of environmental contamination, explosion or fire;
  - c. Perceptible ground vibration;
  - d. Excessive noise or dust;
  - e. Emission of objectionable odors; or
  - f. More than 12 trips by semi-trailer trucks per day; or
2. Processing of minerals (except precious and semi-precious stone cutting for jewelry or precision instruments such as lasers or watches), ores or fossil fuels; or
  3. Industries that are required to undergo New Source Review under the Federal Clean Air Act, or are subject to construction or operation permits pursuant to the Texas Clean Air Act (Tex. Health and Safety Code Ch. 3842) or Title V of the Federal Clean Air Act.
  4. For illustrative purposes, heavy industrial uses include, but are not limited to:
    - a. Coal cleaning plants with thermal dryers; coke oven batteries; carbon black plants (furnace process); petroleum refineries; petroleum storage and transfer units (except retail gasoline stations); and bulk fuel dealers;
    - b. Facilities used in the primary or secondary production of metals (e.g., primary zinc, copper or lead smelters; primary aluminum ore reduction plants; iron and steel mills; sintering plants; secondary metal production plants; and blacksmith shops);
    - c. Portland cement plants;
    - d. Sawmills and pulp mills;
    - e. Incinerators with the capacity to charge more than 250 tons of refuse per day;
    - f. Lime plants; phosphate rock processing plants; sulfur recovery plants; and hydrofluoric, sulfuric or nitric acid plants;
    - g. Fossil fuel combustion (boilers or electricity generation) totaling more than 250 million BTUs per hour of heat input;
    - h. Fabrication of building materials such as countertops, drywall and cut stone;
    - i. Fabrication of vehicles, manufacturing equipment, durable goods or pre-fabricated homes or home components;
    - j. Auto or marine body, paint or upholstery shops;
    - k. Drycleaner processing plants that use PERC (the chemical solvent Perchloroethylene, an alternate name for Tetrachloroethylene, that is also commonly referred to as “dry-cleaning fluid”) or comparable petrochemical solvents;
    - l. Meat or seafood processing plants;
    - m. Manufacture of glass products (e.g., window panes, bottles and jars), except hand-blown products;
    - n. Manufacture of plastic products (except assembly of parts that are manufactured elsewhere);
    - o. Plasma arc welding, cutting, gouging, surfacing or spraying; gas welding (but not brazing); arc welding with equipment that is rated at more than 200 amps; TIG welding; and other heavy welding procedures (e.g., for structural steel, automotive body, or heavy equipment manufacture or repair);
    - p. Hot mix asphalt plants.

**Heavy Vehicle, Manufactured Home, Watercraft or Aircraft Sales or Rental** means a business engaged in the sales or rental of heavy trucks, mechanized construction equipment, boats or aircraft.

**Heliport** means an area designed to be used for the landing or take-off of helicopters, including operations facilities, such as maintenance, loading and unloading, storage, fueling or terminal facilities. Unlike a “helistop”, the use of a heliport is not limited to a specific user or purpose.



**Helistop** means an area used for the take-off and landing of private helicopters for the purpose of picking up and discharging of passengers or cargo. The use of the helistop is restricted to specific users or purposes (e.g., tenants of a corporate park or a hospital trauma center), and the term does not include facilities for general helicopter aviation use.

**Home-Based Business** means a business that is operated out of a dwelling unit but remains an accessory use to the principal residential use.

**Home-Based Occupation/Business** means a business that is operated out of a dwelling unit but remains an accessory use to the principal residential use.

**Homeless Shelter** means a supervised public or private facility that provides temporary living accommodations for homeless individuals.

**Hospital** means a "general hospital" or a "special hospital" as defined in Tex. Health and Safety Code § 241.003, and includes all subclassifications thereof, or a "freestanding emergency medical care facility" as defined in Tex. Health and Safety Code § 254.001:

1. *General Hospital* means an establishment that:
  - a. Offers services, facilities and beds for use for more than 24 hours for two or more unrelated individuals requiring diagnosis, treatment or care for illness, injury, deformity, abnormality or pregnancy; and
  - b. Regularly maintains, at a minimum, clinical laboratory services, diagnostic X-ray services, treatment facilities including surgery or obstetrical care or both, and other definitive medical or surgical treatment of similar extent.
2. *Special Hospital* means an establishment that:
  - a. Offers services, facilities and beds for use for more than 24 hours for two or more unrelated individuals who are regularly admitted, treated and discharged and who require services more intensive than room, board, personal services and general nursing care;
  - b. Has clinical laboratory facilities, diagnostic X-ray facilities, treatment facilities or other definitive medical treatment;
  - c. Has a medical staff in regular attendance; and
  - d. Maintains records of the clinical work performed for each patient.
3. *Freestanding Emergency Medical Care Facility* means a facility, structurally separate and distinct from a hospital, that receives an individual and provides emergency care.

**Hospital House Establishment** means a residential structure, administered by a resident manager or 24-hour on-site management, which provides lodging only for families of children who are being treated for serious injuries and/or long-term illnesses and for those children being treated on an out-patient basis.

**Improved Public Open Space** means open space areas that are visible and accessible to the public during daylight hours.

1. Areas considered improved public open space may include:
  - a. Plazas;
  - b. Courtyards directly accessible from the street;
  - c. Landscaped park or pocket park areas;
  - d. Landscaped front and side yard setback areas;
  - e. Landscaped areas within view corridors; and
  - f. Improved waterfront areas with direct public access.
2. Areas not considered improved public open space include:

- a. Landscaping in parking areas;
- b. Areas not visible from adjacent streets or located along through pedestrian connections; and
- c. Fenced front or side yard areas.

**Industrial Housing** means a residential structure that is:

1. Designed for the occupancy of one or more families;
2. Constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and,
3. Designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system.

This definition includes the structure's plumbing, heating, air conditioning and electrical systems. Industrialized housing does not include:

1. A residential structure that exceeds three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof;
2. Housing constructed of a sectional or panelized system that does not use a modular component; or
3. A ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.

**Industrialized Building** means a commercial structure that is:

1. Constructed in one or more modules or constructed using one or more modular components built at a location other than the commercial site; and
2. Designed to be used as a commercial building when the module or the modular component is transported to the commercial site and erected or installed.

This definition includes the structure's plumbing, heating, air conditioning and electrical systems. An industrialized building does not include:

1. A commercial structure that exceeds three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof.
2. A permanent commercial structure and a commercial structure designed to be transported from one commercial site to another commercial site.

**Kennel** means any premises where any combination of dogs, cats or other household pets, totaling four or more animals, six months of age or older, are kept and boarded for the intention of profit or rescue.

**Light Industry** means uses that involve assembly, compounding, packaging or treatment of products from previously prepared materials, with limited outside storage and limited external effects or risks. For illustrative purposes, light industrial uses include:

1. Assembly or refurbishing of products, instruments, electronics, office and computing machines, and fixtures from pre-manufactured components;
2. Offices of general contractors, specialty subcontractors, or tradesmen which include:
  - a. Bay door access to indoor storage of tools, parts and materials;
  - b. Parking of commercial vehicles; or
  - c. Outdoor storage areas that are smaller than the area of the first floor of the building, and that are used for storage of materials or vehicles that are less than 12 feet in height.

3. Communications facilities, except wireless telecommunications facilities;
4. Data centers, server farms, telephone exchange buildings and telecom hotels;
5. Food and beverage production and packaging other than meat and seafood processing, restaurants or produce packing that does not involve other processing;
6. Furniture making or refinishing;
7. Manufacture of textiles or apparel;
8. Screen printing of apparel;
9. Commercial cleaning, dyeing or laundry plant;
10. Printing and publishing, except copy centers, and except printing presses that require a Texas Clean Air Act Permit or a Federal Clean Air Act Permit (these are heavy industry);
11. Disassembly of consumer electronics and/or appliances into component parts, where all operations and storage are within an enclosed building;
12. Manufacture or compounding of pharmaceutical products, dietary supplements, health and beauty products, and herbal products; and
13. Packaging of consumer products.

**Live-Work Unit** means a dwelling unit that provides space that is designed for one or more commercial or office uses that are allowed in the zoning district. Access between the dwelling unit and the commercial or office space is provided within the unit.

**Manufactured Home Development** means a development of manufactured home lots, which are platted areas situated within the park that meet the standards of these regulations.

**Marina** means waterfront establishments whose business is offering marine sporting equipment and the servicing, repair and storage of boats on water. Such establishments may also provide lift services, slip rental, gasoline, bait, food or drink, and sanitary pumping. Other complementary on-site activities and services may include boat chartering, dry storage and launching, watercraft sales and/or rental, visitor facilities (e.g., showers, self-service laundry), and promotional events (e.g., fishing tournaments).

**Mining / Extraction** means uses that involve extraction of minerals and fossil fuels from the ground, including surface and subsurface mining, drilling and quarrying facilities.

**Multi-family Residential** means:

1. Buildings that contain multiple dwelling units.
2. Dwelling units that are located inside of mixed-use buildings.

The term does not include “boarding house, dormitory, fraternity or sorority” uses; “bed and breakfast” establishments; “single-family attached dwellings”; or “commercial lodging.”

**Nightclub** means a commercial establishment which combines the consumption of alcoholic beverages (sold at the facility or brought in by patrons) on the premises with dancing and/or musical entertainment.

**Nursery or Greenhouse** means an enterprise that conducts the retail and/or wholesale sale of plants grown on the premises. The phrase also includes, as an accessory use, the sale of a limited selection of items (e.g., soil, planters, pruners, mulch, or rock, but not power equipment) that are directly related to the care and maintenance of landscapes.

**Nursery Wholesale** means an enterprise that conducts wholesale of plants and items directly related to the care and maintenance of landscapes.

**Nursing / Convalescent Home** means an establishment that:

1. Furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment; and

2. Provides minor treatment under the direction and supervision of a physician licensed by the Texas Medical Board, or other services that meet some need beyond the basic provision of food, shelter and laundry.

**Office** means uses in which professional, business, information processing or financial services are provided. The term includes such uses as:

1. Accounting, auditing and bookkeeping;
2. Administration of businesses (e.g., corporate headquarters);
3. Advertising and graphic design;
4. Architectural, engineering, urban planning and surveying services;
5. Attorneys and court reporters;
6. Banks, mortgage companies and financial services;
7. Call centers;
8. Computer programming;
9. Counseling services;
10. Data processing and word processing services;
11. Detective agencies;
12. Government offices;
13. Insurance;
14. Interior design;
15. Real estate sales and leasing;
16. Research and development that does not include on-site manufacturing;
17. Retail catalog, internet and telephone order processing, but not warehousing;
18. Travel agencies; and
19. Virtual office services.

**Off-Street Parking Space** means an all-weather surfaced area not in the right-of-way for a street or alley that:

1. Is permanently reserved for the temporary storage of one automobile; and
2. Is connected with a street or alley by an all-weather surfaced driveway that affords unobstructed ingress and egress to each space.

**Parking and/or Multimodal Transportation Facility** means terminals used for the ticketing, loading and unloading of bus or train passengers. Food and beverage sales and similar commercial retail activities conducted during normal terminal operations may be included as accessory uses.

**Parking Lot, Incidental to Main Use** means an off-street, surfaced, ground level parcel of land provided for self-parking by employees, visitors, and/or patrons of any office or governmental facilities, any public accommodations, commercial or industrial establishments, or any other business. The phrase also includes the area provided for self-parking by residents, visitors or employees of an apartment building available to the general public.

**Parking Structure or lot, Incidental to Main Use** means a structure of two or more stories, whether privately or publicly owned, provided for self-parking by employees, visitors, and/or patrons of any office or governmental facilities, any public accommodations, commercial or industrial establishments, or any other business open to the general public. The phrase also includes the area provided for self-parking by residents, visitors or employees of an apartment building available to the general public.

**Parking Structure, Mixed Use Commercial** means a structure of two or more stories, whether privately or publicly owned, which utilizes the floors above the first level for the temporary parking of motor vehicles as a commercial enterprise for which any fee is charged independently of any other use of the premises. The first floor of the subject structure, adjacent to any public

right-of-way, shall be utilized for retail, commercial or office space, as permitted within the subject zoning district.

**Passenger Motor Vehicle Sales or Rental** means a business that is engaged in the sale or rental of passenger vehicles, light trucks and/or motorcycles.

1. *Golf Carts, Sales and Service* means a facility for the sale and repair of golf carts, a motor vehicle designed by the manufacturer primarily for transporting persons on a golf course. Gasoline powered golf carts are to remain in all auto oriented uses.

**Palm Tree** means any plant of the family Palmae having an unbranched trunk crowned by large pinnate palmate leaves.

**Pawn Shop** means an establishment that is licensed by the Consumer Credit Commissioner under Chapter 371, Texas Finance Code, and is engaged in the business of:

1. Lending money on the security of pledged goods; or
2. Purchasing goods on condition that the goods may be redeemed or repurchased by the seller for a fixed price within a fixed period.

**Personal Care Home** means a home which provide services of a personal care nature to four or more persons, unrelated to the owner. The home must be licensed under the Texas Department of Aging and Disability Services (DADS) licensure requirements.

**Personal Fitness or Music Instruction** means uses that involve instruction or facilities for physical fitness, dance or music instruction. Such uses include membership gymnasiums (with or without personal training instruction), and instruction in music, yoga, dance, boxing, aerobic exercise or martial arts. The phrase does not include "personal services" or "professional services, instruction or counseling."

**Pet Grooming and Services** means uses that cater to owners of household pets by offering services such as pet grooming and training (e.g., guard dog, obedience). The phrase does not include a "kennel" or a "veterinarian" and, therefore, does not include any establishments that board, shelter or transport pets or practice small-animal veterinary medicine. Pet owners may leave their pets at the establishment for the provision of such services, but pets are not boarded beyond the operating hours of the business or overnight. This use may also involve the retail sale of pet-related merchandise as an accessory activity, but an establishment that specializes in such on-site merchandise sales is considered a "commercial retail" use.

**Place of Private Assembly** means a structure, or part of a structure, that can be temporarily rented for private gatherings (e.g., receptions, private parties, reunions, meetings/conferences).

**Place of Public Assembly** means an indoor place where people assemble for civic or cultural purposes. This use includes places of worship, meeting facilities and conference centers.

**Power Generation** means equipment or facilities to produce, generate, transmit, distribute, sell, or furnish electric energy to an electric utility.

**Port and Harbor Facilities** means structures and improvements generally associated with industrial waterfront areas and nearby land and adjacent water, including, but not limited to, docks, piers, facilities for securing and servicing vessels, facilities for loading/unloading of passenger vessels (e.g., cruise ships), railroad areas and facilities for freight handling/transfer, and/or shipyards.

1. Shipyard means a property where ships, boats, barges, vessels or off-shore platforms are built, repaired or maintained.

**Private Club** means a building in which members of a community or association may gather for social, educational or cultural activities.

**Professional Services, Instruction or Counseling** means services that principally involve communication between the proprietor or employee and the client, and which may involve services to more than one client at a time by a single proprietor or employee, including marriage counseling, tutoring, and financial planning. The phrase does not include "personal fitness or music instruction" or "personal services."

**Public Safety Facility** means a public safety facility owned and operated by the City.

**Public Utility Facility, Neighborhood** means public utility infrastructure owned and operated by the City.

**Rail Yard** means an area of land, a portion of which is covered by a system of tracks, that provides for the making up of trains by one or more railroads or private industry concerns. Necessary functions of a rail yard include, but are not limited to, the classifying, switching, storing, assembling, distributing, consolidating, moving, repairing, weighing or transferring of cars, trains, engines, locomotives and rolling stock.

**Recreation, Indoor** means uses that provide recreation opportunities indoors for the public (open to the community) or residents of a subdivision or development, which are not commercial in nature. Specifically excluded from the definition are health and exercise clubs and commercial amusement uses. The phrase includes:

1. Community recreation centers;
2. Gymnasiums;
3. Indoor swimming pools; or
4. Tennis, racquetball or handball courts.

**Recreation, Outdoor** means uses that provide recreation opportunities outdoors for the public (open to the community) or residents of a subdivision or development, which are not commercial in nature (except for golf courses and fishing piers, which may be commercial in nature). The phrase includes public areas for active or passive recreational activities including, but not limited to:

1. Jogging, cycling, tot-lots, playing fields, playgrounds, outdoor swimming pools and tennis courts;
2. Golf courses (regardless of ownership or membership);
3. Fishing piers;
4. Arboretums, wildlife sanctuaries and other natural areas that may be used for walking or hiking; or
5. Other passive recreation-oriented parks, including picnic areas, garden plots and beaches, and associated support activities such as bath houses and cabanas.

**Recycling Collection Center** means a facility for drop-off of recyclable materials (e.g., waste paper, motor oil, scrap metal, polystyrene foam, porcelain, batteries, electronic components, textiles, plastics, discarded shoes, cardboard and other discarded household materials), where the materials are sorted, temporarily stored and then shipped in bulk to other locations for processing.

**Residential Stable** means a portion of a residential development site dedicated to the shelter, feeding or training of horses, and the provision of riding areas or equestrian trails and any associated corral or pasture areas, as an amenity for the exclusive, common use of residents of the development, and only as an accessory use to the principal residential use of the site. The phrase does not include a "commercial stable".

**Restaurant** means an establishment that sells prepared food and beverages to customers for consumption on-site or off-site. The term includes:

1. *Restaurant, No Drive-In or Drive-Through* means an establishment that serves prepared meals to customers for consumption on-site or off-site, but does not include drive-in or drive-through facilities (however, the use may include designated parking spaces for curbside pickup of food ordered in advance if the curbside pickup is a clearly subordinate function to the restaurant's operations), and includes:
  - a. Full-service restaurants;
  - b. Limited-service eating facilities;
  - c. Special food services; and
  - d. Gross sales shall be more than 50% from food sales.
2. *Restaurant, Drive-In or Drive-Through* means a restaurant located either within a retail center, or situated on its own freestanding pad, which:
  - a. Contains a drive-in or drive-through facility;
  - b. Primarily serves food that is prepared and packaged within five minutes; and
  - c. Customarily serves food in disposable containers.

**Retail – Commercial** means any business engaged in the buying and selling of goods and services in retail business. For this section, the term means commercial and retail uses that do not include regular outside storage or sales. The phrase includes uses that are comparable to the following:

1. Furniture and home furnishings stores;
2. Electronics and appliance stores;
3. Paint and wallpaper stores;
4. Hardware stores;
5. Food and beverage stores;
6. Health and personal care stores;
7. Clothing and clothing accessory stores;
8. Shoe repair;
9. Personal custom services such as tailor or milliner (hats);
10. Sporting goods, hobby, book and music stores;
11. General merchandise stores; and
12. Miscellaneous store retailers.

**Retail – Big Box** means retail and/or service uses that occupy large, industrial-style buildings or stores with footprints that generally range from 20,000 square feet to 200,000 square feet. While most big-boxes operate as a single-story structure, they typically have a three-story mass that stands more than 30 feet tall. Big Box retail centers typically have regular outside service or outside storage areas or partially enclosed structures, as listed below:

1. Permanent retail operations that are located outside of enclosed buildings, except nurseries and outdoor flea markets;
2. Home centers;
3. Lumber and other building materials;
4. Lawn, garden equipment and related supplies stores; and
5. Warehouse clubs and super stores.

**Retaining Wall** means a wall or terraced combination of walls constructed for the purpose of raising the grade of a site, or portion of a site, greater than 32 inches from the adjacent lower grade. Retaining walls may provide a foundation wall for a structure, or may be open above.

**RV Park** means a form of commercial lodging where guests bring travel trailers and recreational vehicles, campers or other similar forms of shelter. The campground rents pads to the guests.

**School, Private** means an institution established for educational purposes and offering a curriculum similar to the public schools.

**Self Storage** means a building or group of buildings that are used for the indoor storage of personal property or records, where individual owners or tenants control individual storage spaces.

**Short Term Rentals** means the use of a residential dwelling unit or accessory building on a temporary or transient basis. A short term rental shall include a residential dwelling unit or accessory building used as a short term vacation rental, for any period less than 30 consecutive days.

**Single-Family Attached** means:

1. Two or more dwelling units that are designed so that individual units have individual ground-floor access and are separated from each other by unpierced common walls from foundation to roof (e.g., side-by-side duplexes and all types of townhomes); or
2. Two dwelling units that are designed so that the individual units:
  - a. May or may not have individual exterior doors, but provide no direct access between the first floor and second floor unit (access may be through a common interior foyer that provides access to both units or through separate exterior doors); and
  - b. Are separated from each other by a floor (i.e., over-under duplexes).

**Single-Family Detached** means dwelling units that are:

1. Located in an individual building that is constructed on:
  - a. An individual lot; or
2. Separated from other dwelling units by outside walls; and
3. Designed for use by a single housekeeping unit.

**Substance Abuse Facility** means a facility that provides 24-hour residential care or less than 24-hour day care for individuals rehabilitating from drug or alcohol abuse or addiction. The term does not include a "correctional or rehabilitation facility" or halfway houses for prison parolees or juveniles.

**Towing Service Facility** is maintained on a tract of land devoted on a continuing basis to the temporary storing of motor vehicles which have been impounded upon the authority of a law enforcement officer, or motor vehicles which have been removed from private property at the request of the owner or other person in charge of such private property. A towing service facility may provide automobile service as an accessory use. (Ord. 17-013)

**Traditional Neighborhood Development ("TND")** means a predominately residential neighborhood that consists of a variety of residential lot sizes and more than one type of housing, along with neighborhood supportive nonresidential development, designed so that internal streets tend to give equal or greater emphasis to pedestrian circulation compared to motorized vehicles.

**Vehicle Wash** means any area or business using self-service, in-bay automatic, or conveyor equipment for cleaning and washing motor vehicles, whether as a part of another business operation (e.g., as an accessory use to light automobile service/fueling station or vehicle sales, rental and service), or as a stand-alone operation, of any type, on a commercial basis. The phrase includes fleet and municipal in-bay automatic and conveyor vehicle wash facilities.



**Vending Kiosk / ATM** means a machine that is located in a fixed position outdoors (either attached to a building or in a freestanding structure), which does not require employees or attendants to conduct transactions, and which is used for:

1. Automated banking or other financial transactions (e.g., "ATM" or change machines);
2. Vending or dispensing products (e.g., water, ice, DVD purchases or rentals, postal supplies, soft drinks, newspapers, snacks, ice cream, coffee or other foods or consumer items), or
3. Downloading electronic files (e.g., electronic books, music or video) via wired connections. The phrase does not include wireless internet access points or wireless telecommunications facilities.

**Veterinarian, Large Animal** means veterinary clinics, hospitals, and pens that provide care for large domestic animals.

**Veterinarian, Small Animal** means veterinary clinics and hospitals that provide care for small domestic animals. The phrase does not include large animal and livestock veterinarians.

**Wholesale** means the business of:

1. Selling goods, equipment or food to retailers, generally in larger quantities than they are sold to final consumers, but often in smaller quantities than they are purchased from manufacturers; or
2. Selling specialized equipment and supplies to businesses, but not to the general public.

The term is qualified as follows:

1. It includes wholesale uses with warehousing and/or showrooms. If a wholesale use does not involve display, storage or distribution from the site of the use, then it is an "office" use.
2. It does not include wholesale clubs that offer memberships to the general public. Such uses are considered "heavy retail."
3. It does not include nurseries.

**Wireless Telecommunication Facility** means any exterior apparatus designed for wireless radio, television, microwave, or telephonic communication through the sending and/or receiving of electromagnetic spectrum waves. An antenna could include directional or panel antennas, ancillary antenna, parabolic or panel dishes, omnidirectional antennas such as whips, and other similar transmitting or receiving equipment intended for personal or communications use.

## **Division 14.200**

### **Historic Preservation Definitions**

#### **SEC. 14.201 DEFINITIONS REALTED TO HISTORIC PRESERVATION**

**Addition** means new construction added to an existing building or structure.

**Alteration** means any material construction or change to the exterior of a building, object, site or structure, including, but not limited to, the changing to a different type, style or size of roofing or siding materials; changing, eliminating or adding doors, door frames, windows, window frames, shutters, fences, railings, columns, beams, walls, steps, porte cocheres, porches, balconies, signs or other ornamentation; the changing of paint color; dismantling, removing or moving of any exterior features or demolition. Alterations shall not include ordinary repair and maintenance.

**Appropriate** means suitable or compatible.

**Building** means a structure created to shelter people or things, such as a house, barn, church, hotel, warehouse or similar structure.

**Character** means the qualities and attributes of any structure, site, street or district.

**Compatible** means existing or performing in harmonious, agreeable combination with its surroundings.

**Compatible Property** means a resource in a historic district distinguished by its scale, material, and composition so that it contributes to or is “compatible” with the character of the neighborhood.

**Construction** means the act of adding an addition to an existing building or structure, or the erection of a new principal or accessory building or structure on a lot or property.

**Contributing Property** means a resource in a historic district that contributes to the district’s historical significance through location, design setting, materials, workmanship, feeling and association, and which shall be afforded the same consideration as historic structures or buildings.

**Demolition** means any act or process that destroys or razes in whole, or in part, a building, object, site or structure, including the permanent impairment of structural integrity. This includes “**demolition by neglect**,” which is defined as inaction or a series of inactions that result in the destruction or irredeemable deterioration of a landmark building.

**Design Standards** means the City of Galveston Design Standards for Historic Properties, which are intended to provide criteria that assist the Historic Preservation Officer and the Landmark Commission in determining the appropriateness of proposed actions involving locally-designated historic landmarks and districts. When the alternative term “design guidelines” is used in the context of these regulations, it shall also mean the City’s enforceable “design standards.”

**District** means a designated section of the City of Galveston for which the City may regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land.

**Effect, Adverse.** A negative change in the quality of the historical, architectural, archaeological, or cultural significance of a resource, or in the characteristics that qualify the resource as historically important.

**Element** means a material part or detail of a site, structure, street, or district.

**Form** means the shape and structure of a building.

**Galveston Landmark** means (i) any individual building, structure or object, or site that the Landmark Commission designates, upon the owner's request, as a Galveston Landmark; or, (ii) any individual building, structure or object, or site that is located within a designated historic zoning overlay district.

**Harmonious** means having a pleasing or congruent arrangement.

**Historic District** means an area designated as a “historic district” by ordinance of the City Council and which may contain, within definable geographic boundaries, one or more landmarks, and which may have within its boundaries other proportions or structures that, while not of such historic or architectural significance to be designated as landmarks, nevertheless contribute to the overall historic or architectural characteristics of the historic district.

**Historic Property** means a district, site, building, structure, or object significant in local, state or national history, architecture, engineering, archaeology, or culture.

**Integrity** means the ability of a property to convey its historic significance. To retain historic integrity, a property must possess a sufficient historic identity evidenced by the survival of physical characteristics.

**Maintain** means to keep in an existing state of preservation or repair.

**Materials** means the physical elements that were combined or deposited in a particular pattern or configuration to form a historic property.

**New Construction** means construction that is characterized by the introduction of new elements, sites, buildings or structures or additions to existing buildings and structures in historic areas and districts.

**Object** means a material thing of functional, aesthetic, cultural, or historical value that may be, by nature or design, moveable, yet related to a specific setting or environment.

**Ordinary Repair and Maintenance** means any work, the purpose and effect of which is to correct any deterioration or decay of, or damage to a building, object or structure, or any part thereof, and to restore the same, as nearly as may be practicable, to its condition prior to such deterioration, decay or damage, using the same materials, or those materials available which are as close as possible to the original. In-kind replacement, or repair, is included in this definition. **"In-kind replacement"** means the replacement of an element with a new element of the same material, color, texture, shape and form as the original.

**Overlay Zone** means a set of zoning requirements that is described in ordinance text, is mapped and is imposed in addition to those of the underlying district. Development within the overlay zone must conform to the requirements of both zones, or the more restrictive of the two.

**Preservation** means the act or process of applying measures to sustain the existing form, integrity and material of a building or a structure, including, but not limited to, initial stabilization work and ongoing maintenance of historic building materials and the existing form and vegetative cover of a site.

**Reconstruction** means the act or process of reassembling, reproducing or replacing by new construction, the form, detail and appearance of the property and its setting as it appeared at a particular period of time by means of the removal of later work, or by the replacement of missing earlier work, or by reuse of the original materials.

**Rehabilitation** means the act or process of returning a building, object, site or structure to a state of utility through repair, remodeling, or alteration, that makes possible an efficient contemporary use while preserving those portions or features of the building, object, site or structure, that are significant to its historical, architectural and cultural value.

**Relocation** means any change of the location of a building, object or structure in its present setting or to another setting.

**Resource** means a source or collection of buildings, objects, sites, structures, or areas that exemplify the cultural, social, economic, political or architectural history of the nation, state or city.

**Restoration** means the act or process of accurately recovering the form and details of a building, object, site or structure, and its setting as it appeared at a particular period of time by means of the removal of later work, or by the replacements of missing earlier work.

**Retain** means to keep secure and intact. The terms “retain” and “maintain” both describe the act of keeping an element, detail or structure, and continuing the same level of repair to aid in the preservation of elements, sites and structures.

**Scale** means proportional elements that demonstrate the size, materials and style of buildings. The proportions of the elements of a building to one another and the whole, and to adjacent buildings.

**Setting** means the sum of attributes of a locality, neighborhood or property that defines its character.

**Significant** means having particularly important associations within the context of architecture, history and culture.

**Site** means the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself maintains historical or architectural value regardless of the value of any existing structure.

**Stabilization** means the act or process of applying measures essential to the maintenance of a deteriorated building to establish structural stability and a weather resistant enclosure.

**Streetscape** means the distinguishing character of a particular street as created by its width, degree of curvature, paving materials, design of the street furniture, and forms of surrounding buildings.

**Structure** means a non-moveable work made up of interdependent and interrelated parts and a definite pattern of organization.

**Style** means a type of architecture distinguished by special characteristics of structure and ornament and often related in time. Also, a general quality of a distinctive manner.

**Unique and Compelling Circumstances** means those uncommon and extremely rare instances, factually detailed, which would warrant the Landmark Commission’s review, due to the evidence presented.

## **Division 14.300**

### **Subdivision Regulation Definitions**

#### **SEC. 14.301 DEFINITIONS RELATED TO SUBDIVISION REGULATION**

**Alley** means a minor way used primarily for secondary (service) access to the back or the side of a property that otherwise abuts a street.

**Application or Application for Development Approval** means any application that requests approval of any permit, permission or order required by these regulations. This includes, but is not limited to, any application that requests approval of a rezoning, site plan, preliminary subdivision plan, final plat, minor plat, amending plat, development plan, variance, specific use, building permit, or certificate of occupancy and compliance.

**Arterial Street** (see “Thoroughfare”).

**Block** means a land area consisting of contiguous lots established by recorded plats, usually bordered by a combination of streets, public parks, cemeteries, railroad right-of-way, or other barrier to the continuity of development.

**Block Length** means the distance between intersecting streets, or between a street and a street right-of-way, waterway (at least 30 feet wide), or the end of a dead-end street.

**Building Line** means a line beyond which buildings must be setback from the dedicated street right-of-way line.

**Collector Street** means a street that carries traffic from minor streets to arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within that development.

**Density, Net** means the number of dwelling units divided by the net developable area. The “net developable area” means the land area of the site after deducting unbuildable areas including road rights-of-way, common open space, and any other areas excluded from development by these regulations. Net density is stated as dwelling units per net acre.

**Director of Development Services** means the Director of the City of Galveston’s Development Services Department, or their designee.

**Double Frontage Lot** means a lot which extends from one street frontage to another street.

**Extraterritorial Jurisdiction or ETJ** means the unincorporated area that is contiguous to the City’s municipal boundaries, and that occupies the area designated by Texas Local Government Code Chapter 42. The City has various regulatory powers in the ETJ as designated by the Texas statutes.

**Final Plat** means the division of any lot, tract or parcel of land that is to be recorded or of record.

**Improvement** means a street, utility, park, trail, open space, stormwater management facility, or similar infrastructure required by these regulations. This does not refer to dwelling units or buildings to be constructed within a subdivision or site plan.

**Intensity** means the square feet of development per acre.

**Local Street** means a street intended primarily to serve traffic within a limited district and provide access to building sites.

**Municipal Utilities Director** means the Director of Municipal Utilities as established in the City Code, or their designee.

**Preliminary Plat** means the plat of any lot, tract, parcel of land not intended to be recorded or of record.

**Private Street** means a Street that is not dedicated to public use.

**Public Works Director** means the Director of the City of Galveston Public Works Department, or their designee.

**Replat** means the resubdivision of any part of a previously platted subdivision. “Replatting” is the act of creating a replat.

**Street Link** means a section of the street network, or a local street, defined by a street node at each end or at one end. Stubs to adjacent property are not considered links.

**Street Node** means the terminus or intersection of two or more streets, including the head or bulb of a cul-de-sac.

**Street Width** means the shortest distance between the lines which delineate the right-of-way of a street.

**Subdivision** means the division of a parcel of land into two or more lots or parcels if:

1. the purpose of the division is transfer ownership, or
2. the purpose of the division is for building development, or
3. a new street is involved.

The term includes **resubdivision**. When appropriate to the context, the term relates to the process of subdividing or to the land subdivided. The term includes resubdivision and the alteration of parcels or lots by the modification of existing property lines.

**Thoroughfare** means a street that connects remote parts of the city, and provides for free movement of traffic between neighborhoods, districts, or communities.